California Permit Handbook 1996/97

California Office of Permit Assistance
California Trade and Commerce Agency

Acknowledgments

Special acknowledgment goes to the Director and the staff of the California Office of Permit Assistance (COPA), in the California Trade and Commerce Agency, whose staff put this *Handbook* together. They include Victor Holanda, Director of COPA, and staff Lauren Sevrin, Benjamin Sarem, Paul Sweeney , and Richard Sylvester. Much appreciation goes to the following organizations for their careful assistance in updating the many sections of 1996/97 California Permit Handbook. Without their cooperation this book would not be possible.

Governor's Office of Planning and Research
State Clearinghouse

California Trade and Commerce Agency
California Film Commission

California Environmental Protection Agency
California Air Resources Board
California Integrated Waste Management Board
Department of Toxic Substances Control
Department of Pesticide Regulation
Regional Water Quality Control Boards
State Water Resources Control Board

California Resources Agency
Bay Conservation and Development Commission
California Coastal Commission
California Tahoe Conservancy
California Energy Commission
Department of Conservation
Department of Fish and Game
Department of Forestry and Fire Protection
Department of Parks and Recreation
State Lands Commission

California Business, Transportation and Housing Agency
California Department of Transportation

California Health and Welfare Agency
Department of Health Services

California Public Utilities Commission

OVERVIEW

The ***California Permit Handbook*** is a guide to the State environmental permit process. It summarizes permits by department, agency, commission and board, provides contacts for permit questions, and contains some useful aids to help you understand the permit process. The *Handbook* provides guidance for complying with the State's environmental quality and permit streamlining statutes, regulations and policies.

Most proposals for land development in California require at least one approval from local, state or federal planning agencies. Many projects also require environmental review under the California Environmental Quality Act (CEQA). This *Handbook* is intended to assist project applicants, government agencies, and citizens identify responsible permitting agencies and their mandates.

This *Handbook* is a good starting point for identifying State permits. The *Handbook* includes detailed descriptions of only the most often required permits. Developer-applicants are encouraged to review the Permit Screening Index on page 10, and the List of Less Common Permits on page 13. For more information on the less common permits, please contact the appropriate state department.

CALIFORNIA
TRADE AND COMMERCE AGENCY

The California Trade and Commerce Agency--created on September 30, 1992--is the state's lead agency for promoting economic development, job creation, and business retention in California. In fulfilling its mission to improve California's economic climate, the Agency works closely with various permit-issuing state and municipal government agencies, domestic and international businesses, economic development corporations, chambers of commerce, and regional visitor convention bureaus.

The Agency's programs assist in-state expansion of existing companies while nurturing the growth of emerging industries and small businesses. Through Enterprise Zone incentives, the Agency encourages business investment in depressed areas. The community development program addresses economic and growth concerns of rural California, as well as those of the state's metropolitan areas.

The Agency now has several economic development arms under one umbrella. They include:

Domestic business attraction and development efforts. The Agency also houses the Tourism Division and the Economic Development Division, which includes the Offices of Small Business, Strategic Technology, Permit Assistance, Major Corporate Projects, and the California Film Commission. In addition, the state has four field offices located in Sacramento, San Jose, Los Angeles and San Diego.

International trade and investment. Currently, the state has trade and investment outposts in London, Hong Kong, Tokyo, Frankfurt, Mexico City, Taipei, Israel, and Johannesburg. In addition, the Agency's Office of Foreign Investment works with the overseas offices in securing investment and expansions from abroad.

California Office of Permit Assistance

In recognition of the complexity of the permit process, the Legislature and the Governor of the State created the California Office of Permit Assistance (COPA) which is part of the California Trade and Commerce Agency. The primary mission of COPA, which is a single point of contact for state agency permits, is to provide permit assistance and information to the public and government agencies, and to help businesses comply with environmental regulation. Names of applicants or other individuals who work with COPA will not be provided to any person or agency outside the office without permission. There is no charge for COPA services.

When COPA is contacted, a business development professional can assist with the following:

- COPA provides direct, ongoing non-regulatory environmental permitting and CEQA assistance as mandated by helping companies get through the red-tape processes. COPA coordinates early consultations and permit identification based on a particular project.
- COPA was placed within the California Trade and Commerce Agency to advocate improvement of overall state and local environmental permitting processes and streamlining from an economic development perspective -- while maintaining high environmental standards. No other state agency or office carries out this non-regulatory type of program.
- COPA fulfills mandates by offering direct local streamlining technical assistance, ongoing project assistance by serving on Red Teams, leading early-consultations and serving as the mandated lead for Tanner Act implementation, among other duties.

COPA can convene early consultation and scoping meetings at the request of the project-applicant or any of the involved permitting agencies. Scoping meetings gather all relevant permit agencies to meet with the project applicant and discuss requirements and time lines necessary to receive permits.

COPA can be contacted by telephone at (916) 322-4245 (ATSS 473-4245), 1-800-353-2672, and by FAX at (916) 322-3524. The mailing address is California Office of Permit Assistance, California Trade and Commerce Agency, 801 K Street, Suite 1700, Sacramento, California 95814. Internet: http://www.ca.gov/commerce/permits/main.html.

TABLE OF CONTENTS

IV BUSINESS, TRANSPORTATION, AND HOUSING AGENCY

V STATE LANDS COMMISSION

VI CALIFORNIA FILM COMMISSION

VII FEDERAL

VIII STATE AND FEDERAL REVIEW

IX APPENDICES

Fees listed in this Handbook are subject to change.

INTRODUCTION

Overview of the California Environmental Review and Permit Approval Process

Land use and planning in California is regulated by a set of environmental review requirements. Requirements, as stated in the California Environmental Quality Act (CEQA), are triggered by any project that will potentially effect the environment.

California's environmental review process is rigorous by any standard. It is defined and supported by judicial review. There are numerous built-in safety guards that ensure public involvement and participation as well as opportunities for localities to work cooperatively with developer-applicants in developing communities.

The permit process is independent yet integral to the CEQA process. The issuance of any permit must consider potential environmental consequences of activities to be conducted under the requested permit. CEQA, in turn, addresses those concerns in one document in which all permit agencies, the land use decision agency, the project proponent and the general public participate. The document, typically either an **Environmental Impact Report** (EIR) or a Negative Declaration, is the initial step upon which subsequent permit decisions are based.

To understand the CEQA permit issue, it is necessary to understand the roles of the various agencies that regulate development activities in California.

- **Cities and Counties Regulate Land Use by Way of Planning, Zoning, and Subdivision Controls.** There are currently 58 counties and approximately 468 incorporated cities in California, each with substantially the same authority for land use regulation. Local government authority is granted by State law, and cities and counties have legislative power to adopt local ordinances and rules consistent with State law. Some activities are permitted by right and others are permitted only by special use authorization — nearly all are subject to CEQA.

- **State Agencies Regulate The Private Use Of State Land And Resources And Certain Activities Of Statewide Significance.** The permit authority for each state agency is established by statute, usually with additional administrative rules promulgated by the agency.

- **Federal Agencies Have Permit Authority Over Activities On Federal Lands And Over Certain Resources** which have been the subject of congressional legislation, i.e., air and water quality, wildlife, and navigable waters. The U. S. Environmental Protection Agency generally oversees the federal agencies and has broad authority for regulating certain activities such as the disposal of toxic wastes and the use of pesticides. The responsibility for implementing some federal regulatory programs such as those for air and water quality and toxics management has been delegated to specific state agencies.

The Development Permit Process

In California, t**he development permit process is coordinated with the environmental review process under CEQA**. Every development project which is not exempt from CEQA, must be analyzed by the **lead agency** to determine the potential environmental effects of the project. **This analysis, under state law, must be completed within set time periods concurrent with time periods in which an agency is required to approve or deny the project**.

Once the lead agency is identified, all other involved agencies, whether state or local, become responsible or trustee agencies. Responsible and trustee agencies **must** consider the environmental document prepared by the lead agency but *do not*, except in rare instances, prepare their own environmental documents. The procedure for issuing each particular development permit is governed by the particular law which establishes the permit authority and by the **California Permit Streamlining Act** (Gov't Code Sections 65920-65963.1).

Permit Streamlining Act

The Permit Streamlining Act (Gov't Code Sec. 65920-65963.1) mandates specific timeframes local and state governments must comply with when processing permits. The intent is to provide clarity and consistency to the permit process. A few major points on which the Office of Permit Assistance receives inquiries are outlined here. *However, please refer directly to the Act for a complete version.*

Article 3. Applications for Development Permits

65940. Each state and local agency shall compile one or more lists which shall specify in detail the information that will be required from any applicant for a development project.

65941. (b) If a public agency is a lead or responsible agency for purposes of CEQA, that criteria *shall not require the applicant to submit the information equivalent of an EIR as part of a complete application,* or otherwise require proof of compliance with that act as a prerequisite to a permit application being deemed complete.

65944. (a) After a public agency accepts an application as complete, the agency shall not subsequently request of an applicant any new or additional information which was not specified in the list prepared pursuant to Section 65940.

Summary of the CEQA and Permit Application Process

There are three major phases in the development process as provided by CEQA:

- *The Pre-Application Phase,*
- *The Application Phase, and*
- *The Review Phase.*

I. Pre-Application Phase:

The pre-application phase begins when the developer-applicant has completed the conceptual and preliminary design work for a project and is ready to prepare a project proposal. At this point, there is enough information available to describe the scope of the project and to identify the proposed location. The primary objective of this phase is to identify appropriate permit agencies and to begin collecting as much background information as possible.

Many proposals (projects) will require special studies, either before or during the application's formal processing. Under the Permit Streamlining Act, **all** state and local agencies **are required** to list the types of information and the criteria they will use in evaluating a project application. These lists are available from each agency. Developer-Applicants may request pre-application consultation or "scoping" meetings with permit agencies to discuss how the agencies' specific rules will apply to the proposed project.

By the end of the pre-application phase, the developer-applicant should have a good understanding of detailed project information required, a list of probable permitting agencies, an indication of the level of environmental analysis which will be performed, timeframes, and fees.

In a project requiring approval from more than one permit agency, a lead agency must be determined. A lead agency is that permit agency that has the principal responsibility for carrying out or approving a project and preparing CEQA documents. Criteria for determining the lead agency are provided in the CEQA Guidelines at Section 15051. However, more often than not, the locality in whose jurisdiction a project is proposed will serve as the lead agency.

In the event of a "dispute" (two or more agencies claiming lead status or in the absence of an agency to claim lead status) over the lead agency status between or among agencies, the Office of Permit Assistance will designate the lead. The intervention of OPA will only occur after involved permit agencies exhaust efforts to determine lead status.

Once the lead agency is identified, all other involved agencies, whether state or local, become **responsible or trustee agencies**. Responsible and trustee agencies must consider the environmental document prepared by the lead agency but do not, except in rare instances, prepare their own environmental documents.

II. The Application Phase:

The application phase begins with the developer-applicant filing the necessary permit application forms and/or a request for a land use decision, a detailed project description, minimum support documentation with the appropriate permit agency. In some cases, agencies will not accept an application until certain other permit approvals have been granted.

Unless otherwise specified, the sequence of filing applications is left up to the applicant. *However, the failure of some agencies to accept an application until certain other permit approvals have been granted does not in any way impact the time limits under which the agency must act.* In fact, the failure to concurrently process the permit application usually places an extreme burden upon the reviewing agency and may subject the agency to issuing the requested permit through default (failure to act within specified time periods, provided certain documentation and notice steps are taken by the project proponent, grants project approval by law).

During this phase, each receiving agency must review the application submitted to determine the completeness of the filing. The lead agency must make its determination *in writing* within 30 days. Should the agency fail to make its determination within the specified time period, the application will, by law, be deemed complete. If the application is determined to be incomplete, the agency *must* specify the deficiencies and ways to correct them. The developer-applicant may then re-file the corrected application. Upon re-filing, the agency has another 30 days to review for completeness. If the application is again determined to be incomplete, the agency must provide a process for an appeal of the determination and reach a decision within 60 days. Further dispute may be judicially resolved. **This step is critical to the process as a permit may not be subsequently denied for failure to provide information not requested**.

Under the Permit Streamlining Act, once an application is accepted as complete, the statutory time limit for the completion of the environmental review and approval or denial of the permit application begins. The lead agency then has one year in which to approve or disapprove a project for which an Environmental Impact Report (EIR) will be prepared. If a negative declaration is adopted or if the project is exempt, the project shall be approved within six months from the date on which an application requesting approval has been accepted by that agency, unless the project proponent requests an extension of the time limit.

III. Review Phase:

The Review Process begins immediately when the application is deemed complete. In recognition of Section 65941 of Chapter 4.5 of the Permit Streamlining Act, the lead agency will simultaneously perform the review of the project and conduct the necessary environmental analysis.

Permit rules vary depending on the particular permit authority in question, but the process generally involves comparing the proposed project with existing agency standards or policies. The procedure usually leads to a public hearing which is followed by a written decision by the agency or its designated officer. Typically, a project is approved, denied, or approved subject to specified conditions.

The CEQA procedure involves a number of steps which culminate in an environmental document. The environmental document serves as part of the record which supports the permit decision by the lead agency as well as the responsible and/or trustee agencies. The first step in the CEQA process is to determine whether the proposed project is subject to CEQA. There are a number of statutory and categorical exemptions. If the proposal is not covered by CEQA, the lead agency may prepare and file a **Notice of Exemption**.

If the project falls under CEQA, the lead agency must prepare an **Initial Study** to determine whether the project may have a significant impact on the environment. The initial study *must* be completed within 30 days after an application is accepted as complete.

The lead agency must:

- Prepare and circulate a Negative Declaration if it finds in the initial study that the project will not have a significant effect on the environment.
- Prepare a Negative Declaration for the project where the Initial Study determines potential significant effects, and the project is modified such that the effects are rendered insignificant, usually called a Mitigated Negative Declaration.

In either case, circulate the negative declaration for a 30 day review period and receive all comments for adoption by the lead agency within 105 days after a completed application is accepted.

If the Initial Study shows that the project *may* have one or more significant effects, the lead agency must circulate a **Notice of Preparation (NOP)** and must consult with responsible and trustee agencies as to the content of the environmental analysis. The NOP must be filed with the State Clearinghouse. (The State Clearinghouse is the single point of contact to serve as a clearinghouse to receive and distribute environmental documents prepared pursuant to the California Environmental Quality Act, or CEQA). Responsible agencies must respond to the NOP within 30 days. **If a responsible or trustee agency fails to respond, the lead agency *may presume* that the responsible agency has no response to make. Further, if a responsible agency fails to respond or responds incompletely, the responsible agency may not subsequently raise issues or objections regarding the adequacy of the environmental review**.

At the close of this period, the lead agency must prepare and circulate a **Draft Environmental Impact Report (DEIR).** All concerned agencies and the public may review the DEIR. All comments on the DEIR must be made within the review period. At the close of the review and comment period, during which a public hearing is required, the lead agency must respond to the comments received. Comments from responsible or trustee agencies *shall be limited* to those project activities which are within the agency's area of expertise, which are required to be carried out or approved by the agency, or which will be subject to the exercise of powers by the agency.

The lead agency prepares a **Final Environmental Impact Report (FEIR)** and certifies that it is complete and that it has been considered by the decision makers. The lead agency must also find that each significant impact will be mitigated *below the level of significance* wherever feasible, or that overriding social or economic concerns justify the approval of the project.

With the CEQA and permit review process completed, the lead agency must approve or deny the permit and file a **Notice of Determination (NOD)**. Responsible agencies must then act within six months after the lead agency has acted or, if the developer-applicant has not already filed an application with a responsible agency, within six months from the time the application is filed (except as modified under Health and Safety Code Section 25199.6, Chapter 1504, Statutes of 1986, AB 2948, Tanner).

Environmental documents for projects which involve one or more state agencies or which involve an issue of areawide or statewide significance must be sent to the State Clearinghouse for distribution to interested state agencies. State Clearinghouse interface links the lead agency with responsible state agencies.

Special Concerns in the CEQA/Permit Process

There are several key points that agencies, developer-applicants and the public must be aware of in order to avoid misunderstandings and delays:

The Time Limits For Completing The Requirements Of CEQA And Acting On A Permit Are Concurrent And Not Consecutive. The practice of requiring a completed EIR before accepting a permit application is specifically *disallowed* by the Permit Streamlining Act (Gov't Code 65920-65963.1).

A Project Is Automatically Approved If A Public Agency Does Not Permit Or Deny A Project Within The Statutory Time Limit. Project approval through inaction by a public agency has been upheld by the California Appellate Court [See *Palmer v. Ojai* (1986) 178 Cal.App.3d 280 and *Orsi v. City Council of the City of Salinas* (1990) 219 Cal.App.3d 1576.]

The Permit Streamlining Act Time Limits are Not Applicable to All Permit Applications. There are several exceptions to the one year rule. Time limits are only applicable to development projects as defined in the PSA. The PSA expressly excludes ministerial permits such as certain building permits. Time limits:

- Do not apply to legislative actions of public agencies such as the adoption or amendment of zoning ordinances;
- Do not apply where federal law specifies a longer or shorter period for action;
- May be waived with the consent of the developer-applicant and the lead agency;
- May be waived if a joint environmental document is being prepared with a federal permit agency.

Where a Public Agency (or series of agencies) **Will Issue More Than One Permit for a Project,** the agency makes each approval separately, but *must* still act upon the entire project within the statutory time limit.

All Permit Streamlining Act Time Limits are Maximum. Public agencies are **required** to act in a shorter time whenever possible.

Members of the Public May Challenge Public Agency Action and Inaction In Court, but *only* if they first present those challenges to the agency itself within 30 to 180 days after the occurrence of the challenged action.

Permit Screening Index

To determine quickly the state permits required for a project, ask the following questions and refer to the table:

A. Where is the project ***located***?
B. What ***resources*** are affected by the project?
C. What specific ***activities*** does the project involve?

If the project is located within a *Geographic Area*, then,

Geographic Area	*Agency*	*Permit*
From 3 miles offshore to 1,000 yards inland.	Coastal Commission	Coastal permit
San Francisco, San Pablo, and Suisun Bays from highwater to 100 feet inland	San Francisco Bay Conservation and Development Commission	Development permit
Lake Tahoe Watershed	Tahoe Regional Planning Agency	Development permit
Floodways in the Central Valley	The Reclamation Board	Encroachment permit

If the project affects *Resources*, then,

Resource	*Agency*	*Permit/Approval*
Air	Air Pollution Control Districts	Authority to Construct and Permit to Operate for activities emitting pollutants into the atmosphere
Fish and Wildlife Habitat	Department of Fish and Game	1600-1607 Series of Streambed Alteration Permits for activities in streams or lakes and channels and crossings
Water	State Lands Commission	Land Use Lease for encroachments, docks, crossings on tide and submerged lands
	State Water Resources Control Board, Regional Boards	National Pollutant Discharge Elimination System Permit and/or Waste Discharge Requirements for discharges to surface water
	State Water Resources Control Board, Division of Water Rights	Permit to Appropriate Water and Statement of Diversion and Use for activities diverting surface water not previously appropriated and Certificate of Registration for Small Domestic Use Appropriations
	Department of Health Services, Office of Drinking Water	Permit to Operate a Public Water System
	United States Army Corps of Engineers	Permit for dredging & filling docks, groins, and jetties

If the project involves *Activity,* then,

Activity	*Agency*	*Permit*
Power plants and transmission lines	California Energy Commission	Notice of Intention and Application for Certification
	Public Utilities Commission	Certificate of Public Convenience and Necessity
Timber harvesting	California Department of Forestry	Timber Operators License and Timber Harvesting Plan
Conversion of timberland to non-forest uses thru timber operations, and immediate TPZ rezoning	California Department of Forestry	Timberland Conversion Permit
Construction of a trailer court or mobile home park	Department of Housing and Community Development	Permit to Construct
Pipelines, railroad crossings, and freight charges	Public Utilities Commission	Certificate of Convenience and Necessity
Solid waste facilities construction and expansion	California Integrated Waste Management Board	Solid Waste Facility Permit
Prospecting for minerals on state lands	State Lands Commission	Prospecting permit
Right-of-way across state park land	Department of Parks and Recreation	Right-of-Way Permit
Oil, gas, or geothermal well	Department of Conservation, Division of Oil and Gas	Oil, Gas, or Geothermal Well Permit
	State Lands Commission	Geothermal Exploration or Prospecting Permit
Storing, treating or disposing of Hazardous Waste	California Environmental Protection Agency, Toxic Substances Control Division	Hazardous Waste Facilities Permit
Encroachment on or across a state highway	Department of Transportation	Encroachment Permit
All activities involving dams or reservoirs	Department of Water Resources, Division of Safety of Dams	Approval of Plans
Dredging	Department of Fish and Game	Standard for Special Suction Dredging Permits
	State Lands Commission	Dredging Permit
Federal lands land use	U.S. Forest Service; Bureau of Land Management	See specific reference, page 118

Note: See Appendix F for Telephone numbers and Appendix G for Internet addresses.

Common Permits

Most major projects impact land, air, or water. Here is a list of the most common permits a typical project, such as a manufacturing facility, might need. The Permit Screening Index will verify which permits would be required.

CATEGORY	***PERMIT/DOCUMENT***
Land Use (local)	Use Permit (City and County Government) Negative Declaration or EIR
Air Quality	Authority to Construct Permit to Operate
Water Quality (local)	Sewer Connection Permit Wastewater Discharge Permit Stormwater Discharge Permit Waste Discharge Requirements or National Pollution Discharge Elimination System (if point-source discharge)
Hazardous Materials	Hazardous Materials Management Plan Hazardous Waste Facilities Permit Below Grade Tank Permit
Site (local)	Landscape & architectural review Site Grading and Excavating Permit
Construction (local)	Building Permits / Occupancy Permit Encroachment Permit for roadways
Health Department (local)	County Health Permit
Special Status Species	Lake / Streambed Alteration agreement

Less Common Permits Not Included In This Handbook

This *Handbook* is a good starting point for identifying permits. To make this publication more useful to manufacturers and developers, less commonly needed permits are mentioned here. The *Handbook* now includes detailed descriptions of only the most often required permits. Developer-applicants are encouraged to review the Permit Screening Index on page 10. Information on the less common permits is available from the appropriate Agency. *Note: Please see Appendix F for telephone numbers and Appendix G for Internet addresses.*

CA Environmental Protection Agency

California Integrated Waste Management Board (916) 255-2200
- Solid Waste Facilities Permit

Department of Pesticide Regulation (916) 445-4300
- Restricted Materials Permit

State Water Resources Control Board (916) 657-2390
- Domestic Use Appropriations
- Permit to Appropriate Water
- Statement of Water Diversion and Use

Regional Water Resources Control Board (See regional offices in this section)
- Toxic Pits Cleanup Act Requirements

RESOURCES AGENCY

Department of Conservation (916) 323-6733
- Oil, Gas, or Geothermal Well Permit

The Reclamation Board (916) 653-5791
- Encroachment Permit

State Lands Commission (916) 574-1900
- Geothermal Exploration or Prospecting Permit
- Mineral Prospecting Permit
- Marine Facilities Program
- Marine Salvage Permit

Department of Water Resources (916) 653-5791
- Encroachment Permit
- Approval of Plans and Specifications to Construct or Enlarge a Dam or Reservoir and Certificate of Approval to Store Water
- Approval of Plans and Specifications to Repair or Alter a Dam or Reservoir and Certificate of Approval to Store Water
- Approval of Plans and Specifications for Removal of a Dam or Reservoir

Tahoe Regional Planning Agency (916) 542-5580
- Project Permit

California Energy Commission (916) 654-4287
- Notice of Intention, Application for Certification, and Small Power Plant Exemption

Department of Fish and Game (916) 653-7664
- Standard Suction Dredging Permit
- Special Suction Dredging Permit

Department of Forestry and Fire Protection (916) 653-5121
- Timber Harvesting Plan
- Timber Conversion Permit

Department of Parks and Recreation (916) 653-6995
- Right of Way

BUSINESS TRANSPORTATION & HOUSING

Department of Transportation (916) 654-2852
- Airport and Heliport Permits

HEALTH & WELFARE AGENCY

Department of Health Services (916) 445-4171
- Medical Waste Facilities Permit
- Permit to Operate a Public Water System

PUBLIC UTILITIES COMMISSION

(415) 703-2782
- Certificate of Public Convenience and Necessity

RESOURCES AGENCY (Continued)

Twelve Helpful Tips

Companies planning to develop land, expand or construct new facilities in California must obtain approvals from various government agencies concerned with the health effects and environmental impacts. The following common sense tips could make the process easier. An early consultation can help you clearly understand the process, make sure your assumptions have been addressed, and identify timelines.

1. USE THE SERVICES OF THE CALIFORNIA OFFICE OF PERMIT ASSISTANCE	The staff of the California Office of Permit Assistance will help identify the regulatory agencies, set up meetings with them, and will help facilitate expeditious permit reviews.
2. WRITE A COMPLETE PROJECT DESCRIPTION	A complete project description is crucial. See Page 15 for how to write a complete and accurate project description.
3. CONSULT EARLY	Consultation with permitting and regulatory agencies should begin as early as possible in planning your project. At this point potential concerns can be addressed with the appropriate individuals.
4. LEARN THE RULES	Take time to study the protocols and regulations of those agencies that must approve your project. Study all applicable state, local and federal agency permitting requirements.
5. KNOW THE REGULATORS	Become familiar with the regulators and how they function. Attend meetings. Read previous staff reports, permit conditions, and studies relating to your project.
6. REDUCE ADVERSE ENVIRONMENTAL IMPACTS	Design your project to eliminate or reduce as many potential health concerns and environmental impacts as possible. Consider environmentally superior alternatives. Incorporate the suggestions you learned during early consultation. Retain a competent consultant.
7. INVOLVE THE PUBLIC	Plan a public participation program. Meet with them, get their ideas and views. Use press releases and announcements to keep them informed about the progress of your project. Avoid surprises.
8. DO NOT APPROACH THE PROCESS WITH AN ADVERSARIAL ATTITUDE	It is generally counterproductive to resist the permit process as you are going through it. An adversary attitude often results in hostility and could delay your project.
9. PAY ATTENTION TO DETAILS	Follow all the rules. Respond promptly to requests for information. Be on time for meetings with representatives of the regulating agencies. Do not cut corners. Get in writing all dates, procedures, fees, etc.
10. BE WILLING TO NEGOTIATE	Recognize that government regulators have a great deal of authority over your project. But they are willing to negotiate and you should be, too.
11. SELECTING YOUR SITE	Exercise your usual due diligence. Do not secure rights to a site without studying the environmental constraints and surrounding land uses. Evaluate alternative sites.
12. WHEN IN DOUBT, ASK	If you are not sure whether your project needs a permit or whether it is regulated at all, ask. Get written confirmation. Going ahead without following the proper guidelines will ultimately cost you more time, money and goodwill.

Writing A Project Description That Could Save You Time and Money

Presenting the lead agency with a concise and comprehensive project description is crucial to the smooth processing of a development application. Conversely, a vague description which does not accurately represent the proposal or a description which is in a state of flux makes processing unnecessarily time-consuming. Extra time spent at the beginning of a project writing a good project description can save processing time down the line.

A good project description should contain the following elements:

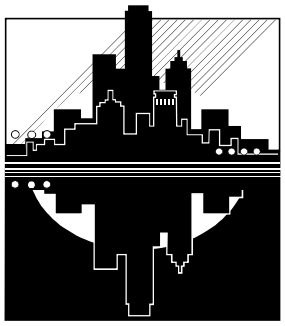
(a)The precise location, boundaries, and physical characteristics of the proposal illustrated on a local map and a plot plan. The type of map may vary depending on the project scope and the terrain. The detail of the plot plan depends upon the sort of project. For example, the plan for the conditional use permit for a new hospital would be more detailed than that for a simple residential zone change where no immediate development is being proposed.

(b)A general description of the project's physical, operational, and environmental characteristics. These may include, but are not limited to, the following, as applicable:

- the size of the project site;
- existing and proposed land uses;
- existing general plan and zoning designations, and any proposed changes;
- the number of lots or dwellings proposed;
- the size of proposed industrial or commercial structures;
- the roads which will provide access and any proposed improvements;
- expected levels of traffic on those roads;
- impact on public works such as water and sewer, and any proposed improvements related to the project;
- impacts on applicable air quality, water quality, drainage, and noise standards and proposed actions to meet those standards;
- any natural systems which would be disrupted (riparian habitat, wetlands, animal and plant life, etc.); and
- any historic structures or archaeological sites which would be disturbed;
- quantity of air emission and/or discharge based on equipment to be used;

(c)A list of the specific permits or other approvals being applied for and the various agencies involved.

The project description should be sufficiently detailed to allow permitting agencies to determine how their regulations and requirements would apply. Contacting permitting agencies informally before filing an application to discuss the project and applicable regulations and requirements can help inform you of the items that should be included in the project description.



CITY OR COUNTY

General Plan Amendment

An amendment to an existing general plan.

I. Who Needs a General Plan Amendment?

Every city and county in California has adopted a general plan to set forth policies to guide local land development. Typically, the general plan contains a map which identifies the location of allowable land uses and in addition, identifies major public works and transportation facilities.

A property owner must request that the City or County amend its general plan when the proposed development would be inconsistent with the plan. Development may proceed only if the City Council or County Board of Supervisors subsequently takes action to amend the general plan.

II. Where Should the Developer-Applicant Apply?

State law requires every City and County to designate a single administrative entity to provide information and coordinate the review of development project applications. The administrative entity is usually the planning agency or department of the City or County. When in doubt, contact the City or County clerk or information office.

III. What Information Must the Developer-Applicant Provide Upon Application?

The law requires Cities and counties to list requirements for development project applications. A developer-applicant may obtain the list and the appropriate application form from the designated entity.

For a General Plan Amendment, the required information includes:

- A description of the proposed land use;
- A description of the proposed site and vicinity;
- Identification of the land by assessor's parcel number;
- Information regarding the potential environmental effects of the proposed project.

IV. What Application Fee Must the Developer-Applicant Submit?

Application fees vary among Cities and Counties with amounts usually fixed on the basis of processing costs. A list or schedule of fees is often included as a part of the information lists and criteria.

V. How does the City or County Evaluate and Process the Application?

Criteria for Evaluation. When the City or County planning agency accepts an application for a General Plan Amendment, it assigns a file number and schedules the matter for hearing before the planning commission. The planning agency reviews the proposed amendment and reports to the planning commission on matters such as the degree to which the project complies with any relevant policies in the general plan and impacts on the community which may be of concern. *Cities and Counties may not approve projects which are not in compliance with general plans, but plans may be amended to incorporate a project.* The project must still go through the CEQA process.

Procedures. General plan amendments are adopted by the resolution of the City Council or County Board of Supervisors (the governing body). The governing body, the local planning commission, and interested citizens may all suggest changes to the general plan.

General plan procedures are as follows:

- After completing an environmental analysis of the project, the planning commission holds a public hearing on the proposal.
- At the hearing, the planning commission considers recommendations from the City or County planning department, interested agencies, and public testimony.
- After the commission completes its deliberations, it forwards a recommendation to the governing body;
- The governing body holds a public hearing on the proposal in which it may approve, deny or modify the proposed amendment after the public hearing.
- If the governing body modifies the amendment, it must refer it back to the planning commission for reconsideration prior to taking final action.

The general plan contains seven mandatory elements covering land use, circulation, housing, open space, safety, conservation, and noise. The plan may also contain optional elements which the City or County deems necessary. *Each mandatory element must be internally consistent with each other mandatory element.* It is common for a project to require amendments to more than one element of a general plan.

With two minor exceptions, the mandatory elements of the general plan may not be amended more than four times in a calendar year. Limited amendments and requirements for notice of a public hearing can significantly lengthen the time required to process an application.

Appeals. The governing body makes the final decision on all general plan amendment requests. The governing body's decisions may be challenged in court.

VI. What are the Developer-Applicant's Rights and Responsibilities After the General Plan Amendment is Adopted?

The general plan confers no particular rights or obligations. However, since zoning approvals must be consistent with the general plan, obtaining the appropriate land use designation in the general plan is a virtual prerequisite to obtaining most other development approvals.

VII. What are the City or County's Responsibilities Regarding a General Plan Amendment?

A City or a County may not approve a project that is inconsistent with the Local General Plan and Zoning Ordinances except for specified charter cities under two million in population.

VIII. What Other Agencies Should the Developer-Applicant Contact?

The developer-applicant should determine if the project may involve land or resources subject to control or regulation by a State or Federal agency. The City or County receiving the application is responsible for referring the plan amendment to adjacent local governments and to all other agencies and departments within the City or County. Depending on the project, a developer-applicant may want to contact other concerned community groups.

IX. What Other Sources of Information are Available to the Developer-Applicant?

Developer-applicants should review the general plan and any locally prepared special studies or reports which may be relevant to the project. The zoning and subdivision ordinances of the city or county should also be reviewed.

State law governing local planning is found under Government Code Section 65300. Additional information is available at the Office of Permit Assistance, within the California Trade and Commerce Agency. There are many reference texts on the subject of local planning. Three very useful books are:

A. *Longtin's California Land Use*, 2nd edition, James Longtin (Local Government Publications, Malibu, CA);
B. *California Land Use and Planning Law,* 16th edition, by Daniel J. Curtin, Jr. (Solano Press, Pt. Arena, CA), 1996, revised annually, and
C. *1990 General Plan Guidelines* (Governor's Office of Planning and Research, Sacramento, CA)
D. Governor’s Office of Planning and Research, (916) 445-0613.

CITY OR COUNTY

Zoning Ordinance Amendment

I. Who Needs a Zoning Ordinance Amendment?

Any applicant or developer who proposes to develop property which is not currently zoned for the proposed use, must obtain a Zoning Amendment.

In such case, the developer-applicant will apply to the city or county for a change in the land use zone designation which governs the site to a zone which will permit the desired type of land use. It is recommended that the applicant meet personally with the city or county representatives to ascertain if a Zoning Amendment is feasible.

II. Where Should the Developer-Applicant Apply?

State law requires every city and county to designate a single administrative entity to provide information about the local development permit process. The administrative entity for this purpose is usually the city or county planning agency. When in doubt, it is best to contact the city or county clerk or the appropriate public information office.

III. What Information Must the Developer-Applicant Provide Upon Application?

Cities and counties are required to prepare and provide lists of the type of information required for all development project applications. The list may be obtained from the designated administrative entity. The information required for a zoning amendment usually includes a description of existing and proposed land uses, a description of the project site and vicinity, identification of the land by assessor's parcel number, and information regarding the potential environmental effects of the proposed project.

IV. What Application Fee Must the Developer-Applicant Submit?

Most cities and counties charge an application fee based on the actual costs incurred by the city or county in processing the application. **The actual fee may vary with the scope and complexity of the proposal.** A schedule of fees is usually included in the information which the local agency must provide.

V. How does the City or County Evaluate and Process the Application?

Criteria for Evaluation. Proposed zoning amendments are reviewed for consistency with the general plan and for any adverse impact on neighboring land uses and the environment.

Procedure.

- Zoning Amendments are generally referred to the planning commission for its recommendation to the governing body (the city council or county board of supervisors);
- The planning commission considers the report of the planning agency and then conducts a mandatory public hearing prior to making final recommendations;
- When the governing body receives the planning commission's recommendation, it may approve, deny, or modify the proposed amendment;
- If the planning commission recommends approval, the governing body must give notice and hold a public hearing on the application;
- If the governing body modifies the proposed amendment, it must refer the matter back to the planning commission for another recommendation.

- If the planning commission has recommended to deny the project, the governing body does not take further action on the matter unless a hearing is requested.

***Appeals*.** The final action of a city or county on a zoning amendment is reviewable by the Superior Court having jurisdiction.

VI. What are the Developer-Applicant's Rights and Responsibilities after the Zoning Amendment is Enacted?

Rights. The developer-applicant may develop and use the land in any manner permitted by the particular zone.

Responsibilities. Depending upon other local entitlements, building or occupancy certificates may be required when construction activity is completed, and construction inspections may be required.

VII. What are the City or County's Rights and Responsibilities After the Zoning Amendment is Enacted?

Rights. Pursuant to state law and local ordinance, the city or county may subsequently amend the zoning ordinance.

Responsibilities. The city or county must enforce compliance with the zoning ordinance.

VIII. What Other Agencies Should the Developer-Applicant Contact?

Other state or federal agencies may have authority over local zoning if the project would affect land in public ownership or resources within another agency's jurisdiction.

IX. What Other Sources of Information are Available?

The developer-applicants may wish to review the following publications:

A. *Government Code*, Section 65800 et seq.;
B. The official zoning ordinance of the city or county with authority for zoning the project site;
C. *Longtin's California Land Use*, 2nd edition, by James Longtin (Local Government Publications, Malibu, CA), and
D. *California Land Use and Planning Law*, 10th edition, by Daniel J. Curtin, Jr. (Solano Press, Pt. Arena, CA), revised annually.
E. Governor’s Office of Planning and Research, (916) 445-0613.

CITY OR COUNTY

Conditional Use Permit (CUP)

I. Who Needs a Special or Conditional Use Permit?

A special or conditional use permit allows property owners to develop or "use" lands not designated for use within the zone in which the land is located.

Special requirements must be tailored to fit the specific proposed location in order to avoid problems associated with the particular type of use. The standards for land use in local zoning ordinances ordinarily list types of land uses within each zone which require a Conditional Use Permit. A Conditional Use Permit is not the same as a Zoning Amendment or a Variance.

II. Where Should the Developer-Applicant Apply?

State law requires every City and County to designate a single administrative entity, usually the planning agency or department, to provide information and coordinate the review of development project applications. When in doubt, developer-applicants should contact the City or County clerk or information office.

III. What Information Must the Developer-Applicant Provide Upon Application?

Cities and Counties are required by law to prepare and provide lists of the type of information they will require for a development project application. A developer-applicant may obtain the list and the appropriate application form from the designated entity.

For a Special or Conditional Use Permit the required information typically includes:

- A description of the project proposal;
- A description of the proposed site and vicinity;
- Identification of the land by assessor's parcel number;
- Information regarding the potential environmental effects of the proposed project.

IV. What Application Fee Must the Developer-Applicant Submit?

Application fees vary among Cities and Counties; the amount is usually fixed on the basis of the actual costs for processing the application. In some jurisdictions, larger and more complex projects will involve commensurably higher fees. A list or schedule of fees is often included as a part of the information which the City or County must provide. Note that under the Fish and Game Code section 711.4 and California Code of Regulations Title 14, section 753.5, lead agencies have resumed collecting environmental filing fees.

V. How does the City or County Evaluate and Process the Application?

Criteria for Evaluation. A City or County will compare the proposed project with any adopted standards or policies applicable to the type of land use proposed or to the site in question.

The planning agency will usually propose specific requirements to be incorporated in the conditional use permit governing the design or operation of the project. A city or county may not approve a conditional use permit unless it is found to be consistent with the general plan.

Procedure. Unlike the General Plan Amendment and the Zoning Amendment (both quasi-legislative actions) the Conditional Use Permit is an administrative action. Authority for granting a Conditional Use Permit is usually delegated by the governing body to an administrative zoning body such as the planning commission or a designated officer of the City or County.

When the planning agency submits its report to the planning commission, a public hearing must be noticed and held. After the hearing, the planning commission may then approve or deny the Conditional Use Permit.

Appeals. The City or County governing body may establish a special appeals board to determine appeals from the decisions of the planning commission.

The determinations of such an appeals body are usually final. If a special appeals board does not exist, the denial or approval of the permit may be appealed to the governing body. Developer-applicants should understand provisions in the City or County zoning ordinance governing appeals to the governing body. Time limits for filing appeals are often short. Final decisions on appeals are subject to judicial review.

VI. What are the Developer-Applicant's Rights and Responsibilities After the Special or Conditional Use Permit is Approved?

Rights. The developer-applicant may develop a project under the terms of the zone in which the property is located, including the special conditions incorporated in the Conditional Use Permit.

Responsibilities. The developer-applicant is obligated to maintain the project within the zoning standards and special conditions. Failure to do so may result in revocation of the permit.

VII. What are the City or County's Rights and Responsibilities After the Conditional Use Permit is Granted?

Rights. Specific rights are usually spelled out in the Conditional Use Permit. The developer-applicant may seek to enter into a development agreement with the City or County to limit the effect of future changes in local zoning rules which might adversely affect the project. Authority for development agreements is provided by State law and local ordinance. The City or county may repeal or modify the applicable zoning ordinance in the future, subject to any development agreement in effect. The city or county may also revoke the Conditional Use Permit for the developer-applicant's failure to observe its terms.

Responsibilities. The city or county must enforce the terms of the Conditional Use Permit.

VIII. What Other Agencies Should the Developer-Applicant Contact?

Other state or federal agencies may have permit authority over the project if it would affect land in public ownership or resources within another agency's jurisdiction.

IX. What Other Sources of Information are Available?

The developer-applicants may wish to review the following publications:

A. *Government Code,* Section 65800 et seq., state zoning law;
B. The official zoning ordinance of the city or county with authority for zoning the project site;
C. A technical treatise on zoning such as *Longtin's California Land Use,* by James Longtin; or *California Land Use and Planning Law,* by Daniel J. Curtin, Jr.
D. Governor’s Office of Planning and Research, (916) 445-0613.

CITY OR COUNTY

Subdivision Map Approval

Gives local agencies authority over design and improvement over land use.

I. Who Needs a Subdivision Map Approval?

The subdivision of land for purposes of sale, lease or financing is regulated by local ordinances based on the State Subdivision Map Act (Government Code Section 66410 et seq.). The Act, which gives local agencies the power to regulate and control the design and improvement of subdivisions, has three primary goals: 1. To encourage orderly community development; 2. To ensure those areas dedicated for public purposes will be properly improved; and 3. To protect the public from fraud and exploitation. In general, no one can divide land in California without local government approval. Local ordinances and general plans determine the design of the subdivision, the size of its lots, and the types of required improvements (street construction, sewer lines, drainage facilities, etc.)

II. Where Should the Developer-Applicant Apply?

State law requires every City and County to designate a single administrative entity to provide information and to coordinate the review of development project applications. The designated agency is usually the planning agency of the City or County. Many Cities and Counties have established an advisory agency to review subdivision map proposals and make recommendations toward approval or denial. The advisory agency may be given full power to approve or deny subdivision map proposals.

III. What Information Must the Developer-Applicant Submit?

Cities and Counties are required by State law to make available information they will require for development project applications. The information may be obtained from the designated entity.

Cities and Counties require specific information be included in a complete subdivision map application. This may contain a tentative subdivision map, information on the property owners, a description of the project site's general plan and zoning designations, and information on the potential environmental effects of the subdivision.

IV. What Application Fee Must the Developer-Applicant Submit?

A City or County may charge a fee in an amount not exceeding the amount reasonably required for administration of the city or county's subdivision review program. Project sponsors should recognize that the law provides for the exaction of several other types of fees in connection with subdivisions.

V. How does the City or County Evaluate and Process a Subdivision Map Approval?

Criteria for Evaluation. The purposes of the subdivision approval process are to:

- Ensure that the design and improvements of a subdivision are consistent with the improvements on adjacent lands;
- Ensure that improvements such as the dedication of public streets will be made initially by the subdivider so they will not become an undue fiscal burden on the general taxpayers of the community; and,
- Avoid fraudulent land sales.

To achieve these broad purposes, Cities and Counties evaluate proposed subdivision maps to determine whether all necessary improvements will be made in compliance with community standards for streets, drainages, and parks

as well as other services provided by the City or County (such as fire protection, sewers, and public safety). Subdivisions are also reviewed for consistency with the general plan and applicable zoning ordinances.

State law requires several specific findings which must be made by a City or County prior to approving a subdivision. A City or County must deny a tentative subdivision map if it finds:

- The proposed map is not consistent with applicable general and specific plans;
- The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
- The site is not physically suitable for the type of development proposed;
- The site is not suitable for the proposed density of development;
- The design or improvements are likely to cause substantial environmental damage (unless certain other specified findings are made);
- The subdivision will conflict with public easements; and/or;
- The subdivision is subject to a contract under the California Land Conservation Act of 1965 and the proposed subdivision would render the land unsuitable for agriculture;
- The design of the subdivision or type of improvements is likely to cause serious public health problems.

Procedures. The subdivision approval process proceeds in the following steps:

- The subdivider submits a tentative subdivision map describing proposed parcel boundaries, layout, and proposed design improvements;
- The City or County reviews the tentative map as specified by State law and consistent with Local ordinance. The review process may involve negotiations as to the exact details of the improvements;
- The subdivider prepares and files a final subdivision map showing the approved lots and improvements including required certificates;
- The City or County reviews the final map to determine whether it substantially conforms with the approved tentative map;
- Approval of a final map is a ministerial act, meaning that the City or County must approve the map if it conforms with the tentative map;
- The subdivider is then entitled to record the final map as a prerequisite to selling the parcels. The procedure for processing a tentative map depends upon whether the City or County;
- Has established an advisory body;
- Whether the advisory body may only review and make recommendations;
- Or whether the advisory body has authority to approve or deny the map.

Developer-applicants must check with the City or County to determine which procedure applies.

Procedure Where Advisory Agency May Investigate and Recommend

If the advisory agency lacks authority to approve or deny a tentative subdivision map, the agency must make a report and recommendation within 50 days after a completed tentative map is filed.

At its next regular meeting, the City or County governing body must schedule a hearing date not more than thirty days from the date from the date of scheduling.

If the governing body fails to act within this 30-day period or any authorized extension, the tentative map is deemed approved to the extent the map is consistent with state and local subdivision law.

The 50-day time period specified above begins after certification of an EIR, adoption of a negative declaration, or determination that the project is exempt from the California Environmental Quality Act (CEQA).

Procedure Where Advisory Agency Approves or Denies a Subdivision Map

If the advisory agency has approval authority, it must approve or deny the tentative map within 50 days after the map is accepted as complete. If the advisory agency does not act within this period the tentative map is deemed approved to the extent it complies with state and local subdivision law.

The 50-day time period specified above begins after certification of an EIR, adoption of a negative declaration, or determination that the project is exempt from the California Environmental Quality Act (CEQA).

Procedure Where No Advisory Agency is Established

Where there is no advisory agency:

- The clerk of the governing body submits the map to the governing body at its next regular meeting after the tentative map has been accepted for processing.
- The governing body then approves or denies the map within 50 days.
- If the governing body fails to act within this period, the map is deemed approved to the extent it complies with applicable State and Local subdivision law.

The 50-day time period specified above begins after certification of an EIR, adoption of a negative declaration, or determination that the project is exempt from the California Environmental Quality Act (CEQA).

Appeals. A developer-applicant may appeal the decision of an advisory agency to an appeals board established by the City or County. If an appeals board does not exist, the sponsor may appeal directly to the City or County.

Similar appeals rights are available to residents of an existing apartment complex which is proposed for conversion to a subdivision. Local ordinance may provide for appeals by other interested persons as well.

VI. What are the Developer-Applicant's Rights and Responsibilities After a Tentative Subdivision Map has been Approved?

Rights. The developer-applicant may file and record a final map.

Responsibilities. The developer-applicant must complete all improvements and make dedications as approved in the tentative map. An approved tentative map usually expires after two years unless an extension has been granted. Or, the sponsor may apply for and receive approval for a "Vesting" Tentative Map. A vesting tentative map gives the applicant the privilege of freezing the land use requirements at the time the map is approved.

If the developer-applicant wishes to file a final subdivision map before improvements are complete, he or she must enter into improvement agreements with the City or County. The sponsor will still need to file a public report with the California Department of Real Estate.

VII. What are the City or County's Rights and Responsibilities After a Tentative Subdivision Map is Approved?

Rights. The City or County may inspect the completed improvements and dedications. They must require security to guarantee the completion of improvements which are to be made after the final map is recorded.

Responsibilities. A City or County must approve a final subdivision map which is substantially the same as the approved tentative map. The city or county must approve the final map if it complies with the statute and local ordinances which were in effect at the time the tentative map was approved.

VIII. What Other Agencies Should the Developer-Applicant Contact?

The developer-applicant should determine whether any state or federal development permit requirements will apply. In particular, a subdivider must file and obtain approval of a subdivision report from the California Department of Real Estate prior to offering any subdivision lots for sale.

IX. What Other Sources of Information are Available to the Developer-Applicant?

A developer-applicant should obtain and study the local subdivision ordinance and any local guidelines which may be available. State law on subdivision map approval is found at Government Code, Section 66410 to 66499.58. Two very useful books are:

A. *Subdivision Map Act Manual*, by Daniel J. Curtin, Jr. (Solano Press, Pt. Arena, CA); and,
B. *California Subdivision Map Act Practice*, by Daniel J. Curtin, Jr. and Robert E. Merritt.

CITY OR COUNTY

Specific Plan

Details the development of a specific area.

I. Who Needs a Specific Plan?

A specific plan details the development of a specific area. The specific plan implements the general plan by creating a bridge between general plan policies and individual development proposals. Gov't Code Sec. 65450.

A City or County often chooses to adopt a specific plan for developments which involve multiple owners or which require detailed development policies and standards. The specific plan may be prepared by the City or County planning department, by a consultant working for the City or County, or by area property owners/developers. Regardless of the author, the contents of the plan must be approved by the governing body.

Ideally, a specific plan directs all aspects of future development including the distribution of land uses, location and size of supporting infrastructure, methods of financing public improvements, and establishing development standards.

II. Where Should the Developer-Applicant Apply?

State law requires that every City and County designate a single administrative entity to provide information and to coordinate the review of development project applications.

The administrative entity is usually the planning department or agency of the City or County. When in doubt, sponsors should check with the City or County clerk.

III. What Information Must the Developer-Applicant Submit?

The type of information which the developer-applicant will be required to submit to the City or County depends upon whether the jurisdiction prepares the plan or whether it allows the developer-applicant to prepare it.

In the first instance, the developer-applicant will typically be required to file detailed project information and environmental data. In the latter case, the City or County will require that the developer-applicant file a completed draft specific plan and environmental data.

Cities and Counties are required by State law to prepare and provide lists of information which will be required for development project applications. Applicants may obtain this information from the designated agency within City or County government.

A Specific Plan must contain:

- A text and diagrams which show the distribution, location, and extent of the proposed land uses;
- All public and private urban facilities needed to support land uses shown in the plan;
- Describe standards and criteria by which development and, where applicable, conservation will proceed;
- Provide a program of implementation measures and financing necessary to carry out the project;
- Include a statement of the specific plan's relationship to the general plan.

IV. What Application Fee Must the Developer-Applicant Submit?

Cities and Counties may charge fees proportional to the actual cost of preparing, adopting, or amending Specific Plans.

A fee may be charged where a legislative body directs a City or County to prepare and adopt a Specific Plan. Fees are typically charged on a prorata basis to persons seeking approval of a development project consistent with the Specific Plan.

V. How does the City or County Evaluate And Process a Specific Plan?

Criteria for Evaluation. Specific Plan actions may be proposed by the planning agency or interested person; or the legislative body itself may order a plan prepared, amended, or repealed.

Specific plans must be evaluated for consistency with the general plan. No later project proposal for an area covered by the Specific plan may be approved unless it is consistent with the general plan.

Procedures. The process for adopting a specific plan is similar to that of a general plan. The specific plan will be subject to public hearings before the planning commission and governing body prior to adoption. However, unlike a general plan, which can only be adopted by resolution, a specific plan may be adopted by either resolution or ordinance. Once adopted, a Specific Plan may be amended according to the discretion of the governing body.

Appeals. Information regarding procedures for an appeal of a Specific Plan action may be obtained from the City or County.

VI. What are the Developer-Applicant's Rights and Responsibilities After the Specific Plan is Approved?

Rights. Developer's rights follow according to provisions of the Specific Plan and the manner in which it is adopted. However, a Specific Plan does not in itself convey a vested right to develop in a particular manner.

The developer may wish to enter into a Development Agreement with the city or county to obtain vested rights.

Responsibilities. Future development within a Specific Plan area must be consistent with that plan. If a Specific Plan is enacted by resolution, the developer will be required to comply with the zoning and subdivision ordinances. When a Specific Plan is enacted by ordinance, the developer will be subject to the regulations contained in the plan.

VII. What are the City or County's Rights and Responsibilities After a Specific Plan is Approved?

Responsibilities. A city or a county may not approve a later development in an area covered by a Specific Plan unless the proposed development is consistent with the plan. A later project which is consistent with the Specific Plan may be exempt from some of the requirements of CEQA in certain situations. Whenever a Specific Plan is adopted or amended, the city or county must immediately make information about the action available to the public.

VIII. What Other Agencies Should the Developer-Applicant Contact?

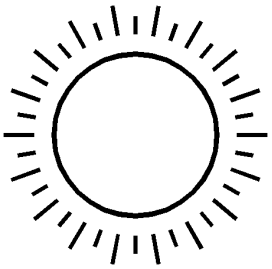
The project sponsor should determine whether the project may involve land or resources which are subject to control or regulation by a state or federal agency. The city or county considering the Specific Plan is responsible for referring it to its own departments and to adjacent local governments.

Depending upon the project, the sponsor may find it appropriate to consult with community organizations and other interested persons.

IX. What Other Sources of Information are Available to the Developer-Applicant?

The developer-applicants can review the following publications:

A. *Government Code*, Section 65450 to 65457, which deals with the Subdivision Map Act;
B. The relevant ordinances or policy reports of the city and county which describe the local process for Specific Plans, and
C. *Specific Plans in the Golden State*, by the Governor's Office of Planning and Research.



AIR DISTRICTS (APCD or AQMD)

Authority To Construct

I. Who Needs an Authority to Construct?

Any person or organization proposing to construct, modify, or operate a facility or equipment that may emit pollutants from a stationary source into the atmosphere must first obtain an Authority to Construct from the county or regional air pollution control district (APCD) or air quality management district (AQMD). Air districts issue permits and monitor new and modified sources of air pollution to ensure compliance with national, state, and local emission standards and to ensure that emissions from such sources will not interfere with the attainment and maintenance of ambient air quality standards adopted by the California Air Resources Board (CARB) and the U.S. Environmental Protection Agency.

Each air district determines which emission sources and levels have an insignificant impact on air quality and, therefore, are exempt from permit requirements. Examples of activities that may be exempt from the permit requirements include:

A. Combustion equipment less than 2 million Btu/hr, fired on natural gas/liquefied petroleum gas;
B. Stationary piston-type internal combustion engines with 50 brake-horsepower or less; and
C. Incinerators used in residential dwellings for not more than four families.

Many projects also require a Prevention of Significant Deterioration (PSD) permit from the U.S. Environmental Protection Agency (EPA). The EPA requires this permit on a pollutant-by-pollutant basis when two conditions exist:

A. The project's emissions may exceed 100 tons per year for certain industrial activities and 250 tons per year for other industrial activities; and
B. The project is in an area where the ambient air quality standard is not being exceeded for the pollutant that the proposed project will emit.

The types of pollutants that do not exceed ambient air quality standards vary from district to district. Developer-applicants should contact EPA Region IX in San Francisco to determine whether their project requires a PSD permit. Because a project may emit several types of pollutants, developer-applicants may need both a PSD permit from EPA and an Authority to Construct from the local Air District. The number of the New Source Section is (415) 744-1254.

II. Where Should the Developer-Applicant Apply?

Developer-applicants should direct inquiries and applications to the appropriate county or regional APCD/AQMD as listed. Note: Due to possible personnel changes, verify most recent information.

Alameda County
(see Bay Area AQMD)

Alpine County
(see Great Basin Unified APCD)

Amador County
108 Court Street
Jackson, CA 95642-2379
(209) 223-6406
APCO - Dr. James B. McClenahan
Deputy APCO - Roxanne Keith
FAX: (209) 267-1157

Bay Area AQMD
(San Francisco Bay Area Air Basin)
939 Ellis Street
San Francisco, CA 94109

(415) 771-6000
APCO - Milton Feldstein
Deputy APCO - Peter Hess
Deputy APCO - Jan Bush
Enforcement - James Guthrie
Administrative Services Director - Thomas F. Bell Jr.
Legal - John Powell
Planning & Research - Thomas E. Perardi
Technical Services - Dario Levaggi
Permit Services - John Swanson
Public Information - Teresa Lee
FAX: (415) 928-8560

Butte County APCD
(Sacramento Valley Air Basin)
9287 Midway, Suite 1A
Durham, CA 95938
(916) 891-2882
Head of APCD - Jim Thompson
APCO - Gina Facca
Assistant APCO - Nancy Norman
FAX: (916) 891-2878

Calaveras County APCD
(Mountain Counties Air Basin)
Government Center
San Andreas, CA 95249
Street Address:
891 Mountain Ranch Road
San Andreas, CA 95249
(209) 754-6399
APCO - Dr. Robert Marshall
Deputy APCO - Elisa Garin
FAX: (209) 754-6459

Colusa County APCD
(Sacramento Valley Air Basin)
100 Sunrise Blvd., Suite F
Colusa, CA 95932
(916) 458-5891
APCO - Harry Krug
FAX: (916) 458-5000

Contra Costa County
(see Bay Area AQMD)

Del Norte County
(see North Coast Unified AQMD)

El Dorado County
(Lake Tahoe & Mountain Counties Air Basins)
2850 Fairlane Court, Building C
Placerville, CA 95667-4197
(916) 621-5300
APCO - Ronald Duncan
Fax (916) 626-7130

Feather River
(Sacramento Valley Air Districts)
463 Palora Avenue
Yuba City, CA 95991
(916) 634-7659
APCO - Ken Corbin
Fax (916) 634-7660

Fresno County
(see San Joaquin Valley Unified APCD-Central)

Humboldt County
(see North Coast Unified AQMD)

Glenn County APCD
(Sacramento Valley Air Basin)
P.O. Box 351
Willows, CA 95988
Street Address:
720 North Colusa Street
Willows, CA 95988
(916) 934-6500
APCO - Ed Romano
Technical - Rick Steward
FAX: (916) 934-6503

Great Basin Unified APCD
(Great Basin Valley Air Basin)
157 Short Street, Suite 6
Bishop, CA 93514-3537
(619) 872-8211
APCO - Dr. Ellen Hardebeck
Deputy APCO - Duane Ono
FAX: (619) 872-6109

Imperial County APCD
(Southeast Desert Air Basin)
150 South 9th Street
El Centro, CA 92243-2850
(619) 339-4314
APCO - Steven L. Birdsall
Deputy APCO - Gaspar Torres
Engineer - Harry S. Dillon
FAX: (619) 353-9420

Inyo County
(see Great Basin Unified APCD)

Kern County APCD
(Southeast Desert Air Basin)
(see San Joaquin Valley Unified APCD)
2700 M Street, Room 290
Bakersfield, CA 93301
(805) 861-2593
APCO - Joel Heinrichs
Director - Tom Paxon
Enforcement - Clifton Calderwood
FAX: (805) 861-2595

Kings County APCD
(see San Joaquin Valley Unified APCD)

Lake County APCD
(Lake County Air Basin)
883 Lakeport Blvd.
Lakeport, CA 95453
(707) 263-7000
APCO - Robert L. Reynolds
FAX: (707) 263-1052

Lassen County APCD
(Northeast Plateau Air Basin)
175 Russell Avenue
Susanville, CA 96130
(916) 257-8311 Ext. 110
APCO - Kenneth Smith
FAX: (916) 257-6515

Los Angeles County
(see South Coast AQMD)

Madera County APCD
(see San Joaquin Valley Unified APCD-Central)

Marin County
(see Bay Area AQMD)

Mariposa County APCD
(Mountain Counties Air Basin)
P.O. Box 5
Mariposa, CA 95338
Street Address:
4988 Eleventh Street
Mariposa, CA 95338
(209) 966-3689
APCO - Charles B. Mosher

Mendocino County APCD
(North Coast Air Basin)
Courthouse
Ukiah, CA 95482
Street Address:
306 East Gobbi
Ukiah, CA 95482
(707) 463-4354
APCO - David Faulkner
FAX: (707) 463-5707

Merced County APCD
(see San Joaquin Valley Unified APCD-Northern)

Modoc County APCD
(Northeast Plateau Air Basin)
202 West 4th Street
Alturas, CA 96101
(916) 233-6419
APCO - Les Wright
Smoke Technician - John E. Kelley
(916) 233-6401
FAX: (916) 233-5542

Mono County
(see Great Basin Unified APCD)

Monterey Bay Unified APCD
(North Central Coast Air Basin)
24580 Silver Cloud Court
Monterey, CA 93940
(408) 647-9411
APCO - Abra Bennett
Engineering - Fred Thoits
FAX: (408) 647-8501

Orange County
(see South Coast AQMD)

Napa County APCD
(see Bay Area AQMD)

Nevada County APCD
(see Northern Sierra AQMD)

North Coast Unified AQMD
(North Coast Air Basin)
2389 Myrtle Ave.
Eureka, CA 95501
(707) 443-3093
APCO - Wayne Morgan
Engineering - Bob Clark
FAX: (707) 443-3099

Northern Sierra AQMD
(Mountain Counties Air Basin)
Nevada City Office
1300 E. Main Street, Suite 320
P.O. Box 2509
Grass Valley, CA 95945
(916) 274-9360
APCO - Russell Roberts
FAX: (916) 274-7546

Quincy Office
P.O. Box 3981
Quincy, CA 95971
FAX: (916) 283-0699

Northern Sonoma County APCD
(North Coast Air Basin)
109 North Street
Healdsburg, CA 95448
(707) 433-5911
APCO - Michael W. Tolmasoff
FAX: (707) 433-4823

Placer County APCD
(Lake Tahoe, Mountain Counties & Sacramento Valley Air Basins)
11464 B Avenue
Auburn, CA 95603
Street Address:
11464 B Avenue (DeWitt Center)
Auburn, CA 95603
(916) 889-7130
APCO - Walter Arenstein
Engineer - Todd K. Nishikawa
FAX: (916) 889-7170

Plumas County
(see Northern Sierra AQMD)

Riverside County
(see South Coast AQMD)

Sacramento Metropolitan AQMD
(Sacramento Valley Air Basin)
8475 Jackson Road, Suite 215
Sacramento, CA 95826
(916) 386-6674
APCO - Norman D. Covell
Chief, APC Division - Dick Johnson
Enforcement - Eric Munz
Engineering/Air Monitoring - Bruce Nixon
Planning - Les Ornelas
Public Information/Rules - Kerry Shearer
FAX: (916) 386-7040

San Benito County
(see Monterey Bay Unified APCD)

San Bernardino County APCD
(Southeast Desert Air Basin & South Coast Air Basin)
15428 Civic Drive, Suite 200
Victorville, CA 92392
(619) 243-8920
Acting Executive Officer - Charles L. Fryxell
Asst. Executive Officer - Oscar Hellrich
Engineering - William Kuby
Compliance - Richard Wales
FAX: (619) 243-8925

San Diego County APCD
(San Diego Air Basin)
9150 Chesapeake Drive
San Diego, CA 92123-1095
(619) 694-3307 (General Info.)
Public Information - Robert Goggin
(619) 694-3332
FAX: (619) 694-2730
APCO - Richard J. Sommerville
(619) 694-3301
APCO Secretary - Vicky Hamill
(619) 694-3302
Deputy Director - Richard Smith
(619) 694-3303
Deputy Director - Paul Sidhu
(619) 694-3303
Administration - Nikki Kaul
(619) 694-3306
Enforcement - Teresa Morris
(619) 694-3342
Technical Services - Judith Lake
(619) 694-3351
Engineering - Michael Lake
(619) 694-3313
Special Projects - Paul Davis
(619) 694-3339

San Francisco County
(see Bay Area AQMD)

San Joaquin County APCD
(San Joaquin Valley Unified APCD)
Central-Fresno, Kings, Madera
APCO - David L. Crow,
Deputy APCO - Mark Boese
1999 Tuolumne Street, #200
Fresno, CA 93721
(209) 497-1000
FAX: (209) 233-2050
Northern-Merced, Stanislaus, San Joaquin
(209) 545-7000
Southern-Tulare, Kern
(805) 861-3682

San Luis Obispo County APCD
(South Central Coast Air Basin)
2156 Sierra Way, Suite B
San Luis Obispo, CA 93401
(805) 781-5912
APCO - Robert W. Carr
Engineer - David W. Dixon
FAX: (805) 781-5912

San Mateo County
(see Bay Area AQMD)

Santa Barbara County
(South Central Coast Air Basin)
26 Castilian Drive, B-23
Goleta, CA 93117
(805) 961-8800
APCO - James M. Ryerson
Asst. Director - Bill Master
Engineering - Peter Cantle
Fiscal - John Nicholas
Planning - Doug Allard
Regulatory Compliance - Bill Blankenship
Technical Services - Terry Dressler
FAX: (805) 961-8801

Solano County
(see Yolo-Solano APCD)

Sonoma County
(see Northern Sonoma County or North Coast Unified AQMD)

South Coast AQMD
(South Coast Air Basin)
21865 East Copely Drive
Diamond Bar, CA 91765-4182
(909) 396-2000
Executive Officer - James M. Lents, Ph.D.
(909) 396-2100
Deputy Executive Officer/Public Affairs - Jay Peters
(909) 396-2350
Deputy Executive Officer/Operations - Edward Camarena
(909) 396-3010
Deputy Executive Officer/Planning & Rules - Pat Leyden
(909) 396-3120
Engineering - William Dennison
Fiscal - Gary Burton
(909) 396-2350
Planning - Barry Wallerstein
(909) 396-3131
Public Advisor - La Rhonda Bowen
(909) 396-3235
FAX: (714) 396-3340

Santa Clara County
(see Bay Area AQMD)

Santa Cruz County
(see Monterey Bay Unified APCD)

Shasta County
(Sacramento Valley Air Basins)
1826 Butte Street
Redding, CA 96001
(916) 225-5674
APCO - R. Michael Kussow
Burn Day Information
(916) 244-8777
FAX:(916) 225-5189

Sierra County
(see Northern Sierra AQMD)

Siskiyou County APCD
(Northeast Plateau Air Basin)
525 South Foothill Drive
Yreka, CA 96097
(916) 842-8025
APCO - James R. Massey, Jr.
FAX: (916) 842-6690

Stanislaus County APCD
(see San Joaquin Valley Unified APCD)

Tehama County APCD
(Sacramento Valley Air Basin)
P.O. Box 38
Red Bluff, CA 96080
Street Address:
1760 Walnut Street
Red Bluff, CA 96080
(916) 527-4504
APCO - Heidi W. Hill
Asst. APCO - Gary Bovee
FAX: (916) 527-4504

Tulare County APCD
(San Joaquin Valley Unified APCD)

Tuolumne County APCD
(Mountain Counties Air Basin)
2 South Green Street
Sonora, CA 95370
Street Address:
22365 South Airport
Columbia, CA 95310
(209) 533-5693
APCO - Gerald A. Benincasa
Deputy APCO - Mike Waugh
FAX: (209) 533-5520

Ventura County APCD
(South Central Coast Air Basin)
702 County Square Drive
Ventura, CA 93003
(805) 645-1440
APCO - Richard H. Baldwin
Air Monitoring - Doug Tubbs
(805) 654-2809
Enforcement - Allen Danzig
(805) 645-1411
Engineering/Permits - Karl Krause
(805) 645-1420
Rules - Keith Duval
(805) 645-1410
Fiscal - Henry Solis
(805) 645-1416
Planning - Bill Mount
(805) 645-1430
FAX: (805) 654-1444

Yolo-Solano APCD
(Sacramento Valley Air Basin)
1947 Galileo Court, Suite 103
Davis, California 95616
(916) 757-3650
FAX: (916) 757-3670
APCO - James A. Koslow

III. What Information Should the Developer-Applicant Provide Upon Application?

Each air district uses its own application form for the Authority to Construct permit, generally requesting the following information:

A. Description of the business and industrial process, including the types of all material used and the products manufactured, as well as wastes generated. This description should also include the type of air pollution control equipment by design, size, or its anticipated degree of control. Applicants should also describe the types of fuels to be used, their rates of use, and the sulfur and nitrogen content of the fuels;
B. Detailed description of the equipment to be used, including the size, and type, for the entire unit or major part of each unit. This description should include all auxiliary equipment and the location, size, and shape of all features which may influence the production, collection, or control of air contaminants. If the equipment uses burners, the description should specify the type, size, and maximum capacity of each burner;
C. Identification numbers of existing air district permits, if any;
D. Operating schedule for emission sources by hours per day, days per week, and weeks per year, including preventative maintenance schedules; and,
E. Description of how the developer-applicant intends to comply with the requirements of the California Environmental Quality Act (CEQA). Typically, a final EIR is needed before the air district can determine application completeness.

IV. What Application Fee Must the Developer-Applicant Submit?

Each air district sets its own filing fees for the Authority to Construct application. Applicants may expect to pay from $100.00 to $20,000.00 in major metropolitan areas. Air districts also charge a permit fee, generally greater than the filing fee, based on the size of the project.

V. How Does the Air District Evaluate and Process the Application?

Criteria for Evaluation. The California Air Resources Board and the U.S. Environmental Protection Agency have established standards based on public health considerations which govern the quality of the surrounding atmosphere, known as ambient air quality standards. Emission limits for specific types of equipment have been established in order to assure that ambient standards are attained and maintained. In addition to emission limits and ambient air quality standards, air districts have adopted what are commonly known as New Source Review Rules (See Appendix F for District New Source Review Requirements for Best Available Control Technology and Offsets). Some districts regulate toxic air contaminants (for which there are no ambient standards) in order to prevent endangerment of the public health. Applicants may be required to provide information, risk assessments, and control methods for these pollutants in such districts.

New Source Review Rules regulate new or modified sources which emit or have the potential to emit any pollutant, or precursor to such pollutant, for which there is a state or national ambient air quality standard. Standards exist for sulfur dioxide, nitrogen dioxide, ozone, particulate matter smaller than 10 microns, and carbon monoxide, among others. There are two major requirements in each district New Source Review Rule: Best Available Control Technology (BACT) and offsets. Many air districts require BACT and offsets for any increase in emissions from a new or modified stationary source, as opposed to a mobile source. Others have established emission thresholds which trigger BACT and offset requirements when emission increases from new or modified sources exceed these thresholds.

In areas where the ambient air quality standards are not being violated, an air district may determine whether additional emissions would cause a violation. The developer-applicant must reduce the emissions to a level where no violation would occur.

A new or modified stationary source which triggers district offset requirements must reduce emissions from the same or other existing stationary source to mitigate the effect of new or increased emissions on ambient air quality. The amount of offsets required is dependent upon the distance between the source of offsets and the new or modified source. Offset distance ratios range from 1:1 for reductions occurring within the same stationary source to 3:1 and higher for reductions occurring 50 miles or more and within the same air basin from the new or modified source. For

example, an applicant proposing a new or modified source producing 1,000 pounds of pollutants per day with the use of BACT, would be required to obtain reductions totaling 1,200 (1.2:1 offset ratio for source within 15 miles) pounds of pollutants per day from other existing sources.

If an applicant obtains emission offsets outside the areas described above, or if one type of pollutant is offset against another type, the applicant must show through modeling that these offsets will result in a net benefit to air quality. Modeling combines the emission rates from the facility with identified meteorological conditions to indicate the point of maximum concentration at ground level. The emission reduction from these offsets must improve the air quality in the area affected by the emissions from the source.

If developer-applicants reduce emissions below actual emission levels allowed by the local air district, they may in some cases "bank" the reduction in actual emissions for use as offsets for future projects. Emissions banked in this manner can be used as offsets by the developer-applicant or sold, in whole or part, to other sources seeking offsets.

Procedures. Each air district has adopted specific procedures for evaluating permit applications. In general, the local air district staff first reviews the application to determine whether it contains complete and accurate information. If not, the staff returns it to the developer-applicant specifying what additional information must be provided. When the air district accepts the application as complete, the staff evaluates it for conformance with the New Source Review Rule, district, state, and national emissions limitations, and national and state ambient air quality standards.

The staff calculates the emissions from the new source and any offsetting source using the maximum design capacity of the new source and the actual operating conditions averaged over three years preceding the date of the application to determine the existing source's emissions. The air district requires applicants to calculate maximum expected quarterly emissions from the new source. For modified sources, the air districts compare the emissions of the proposed source after modification to the emissions of the existing source to determine the net increases. The air district credits all banked reductions in emissions associated with the existing source to the new source and determines the net increase in emissions from the modification.

In addition to evaluating criteria pollutant emissions from the proposed source, the air districts will also evaluate whether there exists potential to emit non-criteria pollutant emissions or toxic air contaminants from the proposed facility.

The air districts' evaluation of non-criteria pollutants will include estimating the amount and composition of identifiable toxic compound emissions that originate from the source. These estimates are used to predict public exposure to specified toxic compounds. When these predictions are used along with population density and health data, they can serve as the basis for an assessment of risk to public health. The determination of what is an acceptable public health risk from exposure to non-criteria air pollutants is normally made at the local government level.

In addition to air districts' evaluation of non-criteria pollutants, the ARB has established a process under state law for identifying toxic air contaminants and developing control measures. Toxic air contaminant regulations developed pursuant to this process are adopted and enforced by air districts. These regulations must be as effective as control measures developed by the ARB.

After completing the evaluation, the air pollution control officer (APCO) decides whether to approve, conditionally approve, or disapprove an Authority to Construct. The APCO writes a preliminary decision and publishes a notice providing 30 days for the ARB, the EPA, and the public to submit written comments about the preliminary decision. The APCO must consider all written comments and make a final decision within 180 days after accepting an application as complete.

The air district may take about four to six months to review an application for an Authority to Construct.

Appeals. If the APCO denies an Authority to Construct, the applicant may appeal the decision within 10 days of the denial notice to the district's Hearing Board. The applicant must file a petition with the Hearing Board and submit a fee. The petition usually includes:

A. Petitioner's name, address, and telephone number;
B. Type of business or activity involved in the application;
C. Brief description of the article, machine, or equipment involved in the application; and,
D. Reasons for the denial and the appeal.

The Hearing Board conducts a public hearing at which the applicant, air district staff, and the general public may present testimony. The Hearing Board must reach a decision within 30 days of receipt of the appeal, unless the applicant and the air district agree to additional time.

The Hearing Board mails a copy of its decision to the applicant, the air district, and all persons who testified at the public hearing. The decision contains a brief statement of facts found by the Board to be true, the Board's determination of the issues involved, and its order. This decision generally becomes effective 30 days after the Board mails the copies to the parties listed above.

VI. What Are the Developer-Applicant's Rights and Responsibilities After the Permit Is Granted?

Rights. The developer-applicant may begin the approved construction or modification according to the terms and conditions of the Authority to Construct. The permit remains valid for a specified period. The air district may, under certain conditions, extend the deadline if construction is not complete.

Responsibilities. The developer-applicant may not transfer the Authority to Construct to another party. The developer-applicant must comply with all conditions included in the permit. Developer-applicants may also be required to ensure that Permits to Operate, which are held by a source which is being used as an offset, are kept in compliance.

VII. What Are the Air District's Rights and Responsibilities After the Permit Is Granted?

Rights. The air district may, after holding a public hearing, revoke an Authority to Construct permit if it finds the developer-applicant has violated any district rules, regulations, or permit conditions.

Responsibilities. The air districts are responsible for ensuring that ambient air quality standards are attained and maintained in their respective air basins.

VIII. What Other Agencies Should the Developer-Applicant Contact?

The developer-applicant should consider whether the agencies listed below must issue permits for the proposed project:

A. *Local* – City, county, or special district

B. *State* – Coastal Commission
Department of Conservation
Division of Oil and Gas
Department of Fish and Game
Department of Forestry
The Reclamation Board
Regional Water Quality Control Board
San Francisco Bay Conservation and Development Commission
Integrated Waste Management Board
State Lands Commission
State Water Resources Control Board
Tahoe Regional Planning Agency

C. *Federal* – United States Army Corps of Engineers
United States Environmental Protection Agency

Note: See Appendix F for Telephone numbers and Appendix G for Internet addresses.

IX. What Other Sources of Information Are Available to the Developer-Applicant?

The developer-applicant may refer to the publications listed below for further information about the Authority to Construct:

A. *Rules and Regulations/Permit Applications,* published by each air district;
B. *Clean Air Act* (42 U.S.C. 1857 et seq.);
C. *Code of Federal Regulations,* Review of New Sources and Modifications, 40 CFR 51.18;
D. *Code of Federal Regulations,* Emission Offset Interpretative Ruling, 40 CFR, Part 51, Appendix S;
E. *Code of Federal Regulations,* Prevention of Significant Deterioration, 40 CFR 51.24;
F. *California Air Pollution Control Laws,* published annually by the Air Resources Board;
G. *Clean Air Act Amendments of 1990,* (42 U.S.C. 7401 et seq.)

These publications are generally available at air district offices, county or state law libraries, or the California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.

AIR DISTRICTS

Operating Permits

I. Who Needs an Operating Permit?

With few exceptions, anyone operating a facility that emits air pollutants must obtain an operating permit from the local air pollution control district (APCD) or the air quality management district (AQMD). The operating permits of major facilities will need to included federal Title V requirements in addition to local district requirements. For the purposes of Title V, major facilities are determined based upon the type and amount of emissions and, in some cases, the severity of air pollution problems in the area where the facility is located.

II. Where Should the Developer-Applicant Apply?

Developer-applicants should direct inquiries and applications to the Air Pollution Control District that issued the Authority to Construct permit.

III. What Information Should the Developer-Applicant Provide Upon Application?

Each Air District uses its own application form for the Permit to Operate. In general, the Air District asks the applicant to certify that the developer-applicant completed the construction according to the terms and conditions of the Authority to Construct and that the facility will meet the district's regulations. In addition, the developer-applicant of a facility subject to Title V requirements will need to certify that the facility will comply with any applicable federal requirements.

IV. What Application Fee Must the Developer-Applicant Submit?

Each Air District uses its own Permit to Operate fee schedule. The Air District will generally charge the applicant a permit fee equal to that paid for the Authority to Construct, not including the initial filing fee. If the Air District must collect samples to analyze the emission from any source, it will charge the applicant a fee to cover its expenses. The district may require an additional fee for facilities with Title V requirements. Fees range from $100.00 to $10,000.00 in major metropolitan areas.

V. How does the Air District Evaluate and Process the Application?

Criteria for Evaluation. The Air District evaluates applications for a Permit to Operate to determine whether the developer-applicant constructed the facility according to the conditions of the Authority to Construct. The Air District also determines whether the developer-applicant will comply with the district's rules and regulations when operating the facility. The air district will also determine compliance with applicable federal regulations in the case of facilities with Title V requirements. A compliance source test may be required. If required, the test must be conducted by the district or by an approved independent source testing consultant.

Procedures. The Air District conducts, or directs the developer-applicant to conduct, an inspection of the above facility to determine whether it meets the criteria described above. If the facility is acceptable, the Air Pollution Control Officer (APCO) issues the Operating Permit. This process generally takes from one to four months. Depending on the Air District, the Operating Permit is usually valid for one year. With respect to Title V requirements, if they apply, the permit is usually valid for five years.

Appeals. If the APCO denies the Permit to Operate, the applicant may appeal the decision to the district's Hearing Board within 10 days of the denial notice. The applicant must file a petition with the Hearing Board and submit a fee ranging from $25.00 to $250.00. This petition must include:

A. The petitioner's name, address, and telephone number;
B. The type of business or activity involved in the application;
C. A brief description of the article, machine, or equipment involved in the application; and,
D. The reasons for the denial and the appeal.

The Hearing Board conducts a public hearing to consider the appeal at which the applicant, Air District staff, and the general public may present testimony. The Hearing board must reach a decision within 30 days of receipt of the appeal, unless the applicant and the Air District agree to an additional 30 days.

The Hearing Board mails a copy of its decision to the applicant, the Air District, and all persons who testified at the public hearing. The decision contains a brief statement of facts found by the Board to be true, the Board's determination of the issues involved, and its order. The decision generally becomes effective 30 days after the Board mails the copies to the parties listed above. However, the Board has no authority in those cases where the U.S. Environmental Protection Agency denies an operating permit based upon lack of compliance with Title V requirements.

VI. What are the Developer-Applicant's Rights and Responsibilities After the Permit Is Granted?

Rights. To renew a Permit to Operate, the developer-applicant may be required to pay a renewal fee, which must be paid before the termination date of the existing permit. The U.S. Environmental Protection Agency, or the air district if requested by the agency, may revoke an operating permit if Title V requirements have been violated.

Responsibilities. The air districts are responsible for ensuring that facilities continue to operate according to district rules and regulations and in compliance with applicable Title V requirements.

VII. What are the Air District's Rights and Responsibilities After the Permit Is Granted?

Rights. The Air District may revoke a Permit to Operate if the developer-applicant has not begun operating the facility within one year of completing construction. The Hearing Board may revoke a Permit to Operate if it finds, after a public hearing, that the developer-applicant has violated any district rules and regulations.

Responsibilities. The Air Districts are responsible for ensuring that emission sources continue to operate according to the rules and regulations of their respective districts.

VIII. What Other Agencies Should the Developer-Applicant Contact?

By the time the developer-applicant has applied for the Permit to Operate, all other required development permits should have been obtained.

IX. What Other Sources of Information are Available to the Developer-Applicant?

Developer-applicants may wish to refer to the publications listed below for further information about air quality regulations:

A. *Rules and Regulations/Permit Applications,* published by each Air District;
B. *Clean Air Act* (42 U.S.C. 1857 et seq.);
C. *California Health and Safety Code,* Sections 39000-43834; and,
D. *California Air Pollution Control Laws,* published annually by the Air Resources Board.

These publications are generally available at the local APCD/AQMD offices, county or state law libraries, and at the Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)

Hazardous Waste Facilities Permit

I. Who Needs a Facility Permit?

Any person who stores, treats or disposes of hazardous waste as described in the Hazardous Waste Control Law (Health and Safety Code, Division 20, Chapter 6.5) must obtain a permit to operate from the Department of Toxic Substances Control (DTSC). A separate permit from the U. S. Environmental Protection Agency in not needed after August 1, 1992. California has been granted authorization to issue permits equivalent to the federal program.

Hazardous waste is defined as waste or a combination of wastes that, because of quantity, concentration, or physical or chemical characteristics, may either:

A. Cause or significantly contribute to an increase in mortality or an increase in serious, irreversible or incapacitating reversible illness; or
B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Types of facilities that require a Hazardous Waste Facility Permit or other Authorization are:

A. **Storage** – onsite facilities (i.e., facilities that treat their own waste) that store wastes in tanks or containers for longer than 90 days; offsite facilities (i.e., facilities that accept wastes generated at other locations or by other businesses) that store for any length of time; or transfer facilities that hold hazardous waste for periods greater than 144 hours (refer to Health and Safety Code section 25123.3 for additional detail). Certain transfer facility activities can occur without a permit for up to 10 days as long as the area is zoned for industrial uses. In addition, permit requirements have been eliminated for storing large volumes of liquid hazardous waste in tanks. It also allows small generators (of less than 1,000 kg/month) to accumulate up to 180 days, and up to 270 days if they are located over 200 miles from an offsite treatment, storage, or disposal facility. See Title 22, CCR Section 66262.34 (d).

B. **Treatment** – onsite or offsite facilities that perform any treatment process other than adding absorbent material to waste in a container, or adding waste to absorbent material in a container. This category also includes incinerators (e.g. rotary kiln, fluidized bed, liquid injection) and land applications (e.g., landfarming). Some limited categories of treatment are now exempt from permitting requirements: Dry cleaners treating less than 180 gallons of perchlorethylene (PCE) per month, companies treating less than 10 gallons per month of spent photographic solution to recover the silver, and companies neutralizing food processing or demineralizer wastes.

C. **Disposal** – onsite or offsite facilities that dispose of treated waste into the land (e.g., landfills, deep well injection).

D. **Resource Recovery** – facilities that treat hazardous wastestreams to recover usable components and reduce the amount of waste that must be disposed. Some onsite recycling may be exempted from permit requirements under specified conditions contained in HSC section 25143.2.

Persons desiring to transport hazardous waste must file an application for transporter registration with DTSC. This application differs from the procedures for a permit application. Applicants should contact the DTSC Transportation Unit at (916) 324-2430, and the Department of Motor Vehicles "Pull Notice" program at (916) 657-6346, for further requirements and information. No authorization is needed for a generator to transport less than 50 pounds or five gallons of their own waste, as long as they transport the waste to an authorized facility.

Pre-application Assistance

The Department has established a Fee for Service Program that includes the following three separate elements:

- *Element One* – pre-application assistance consisting of application guidance, pre-submittal meetings, and general technical assistance. These services will be provided at no cost to the applicant.

- *Element Two* – consultative assistance in preparation of a technically complete application, permit modification or closure plan, including a draft California Environmental Quality Act (CEQA) initial study, if necessary. These services will be provided under a Memorandum of Understanding (MOU) and the applicant will be billed monthly for these services based on DTSC's costs to provide them. See Appendix A for a model MOU.

- *Element Three* – Permit determination processing consisting of a complete permit review and compliance with CEQA utilizing DTSC's process, procedures, public participation requirements and standards. These services will be provided under a MOU and are paid for by billing the applicant monthly, based on DTSC's costs to provide them. The applicant will initially provide an up-front payment equal to the amount of the activity fee applicable for the particular facility and permitting activity. Monthly billings against this payment will be made until the project is completed. For further information, you may contact the appropriate DTSC regional office.

Tiered Permitting

Certain treatment and storage activities for hazardous wastes that do not require a Federal Resource Conservation and Recovery Act (RCRA) Permit are eligible for Tiered Permitting. The California Legislature enacted AB 1772 (Chpt. 1345. 1992), the Wright-Polanco-Lempert Hazardous Waste Treatment Permit Reform Act of 1992, which matches the requirements placed on hazardous waste facilities more closely to the hazard posed by that facility's operations. Under AB 1772, State law no longer requires all businesses treating hazardous waste to submit lengthy disclosure of personal information. Facility and activity fees for many businesses are reduced. Many businesses will be allowed to carry out and self-certify the environmental investigation of their facility. Other requirements are eliminated or reduced for many facilities. AB 1772 also establishes a standardized permitting process for certain treatment and/or storage activities. The five tiers established in AB 1772 for authorizing treatment and/or storage of hazardous waste, in descending order of regulatory burden are:

1. The Federally-equivalent "full" permit tier;
2. The "Standardized Permit" tier for treatment and/or storage;
3. The "Permit by Rule" tier for onsite treatment;
4. The "Conditional Authorization" tier for onsite treatment; and
5. The "Conditional Exemption" tier for onsite treatment.

The following is a brief explanation of the tiers of authorization to treat, store, or dispose of hazardous waste:

A. **Full Permit:** All facilities required to obtain a treatment, storage, or disposal permit under federal law, as well as State- regulated land disposal and incineration facilities, are included in this category. These facilities must comply with permitted facility requirements (California Code of Regulations, Title 22, Division 4.5, Chapter 14, 66264.1 et. seq.). This tier involves considerable document preparation and review, substantial fees, and various other requirements. This tier is unchanged by AB 1772. If you need

application forms for a full permit or need further information, please contact the appropriate regional office at the number listed on the attached map. (Health and Safety Code 25201)

B. **Standardized Permit:** This applies to many non-RCRA regulated treatment or storage facilities (e.g., precious metals recycling). In 1995, Senate Bill 1291 (Chpt. 536 -94) added onsite activities that are more than permit by rule. In lieu of the Part B permit application, a standardized application will include a "fill-in-the-blank" format, certifications as to compliance with certain regulatory standards, and specific guidance for preparation of additional submittals. A facility that wished to obtain Interim Status to operate prior to permit issuance must have been in operation as of September 1, 1992, and must have notified the Department on a specified form by October 1, 1993. Interim status to operate was granted to a facility until January 1, 1998 if the facility was eligible for the standardized permit process and met the notification and application requirements. These facilities must comply with interim status facility requirements (California Code of Regulations, Title 22, Division 4.5, Chapter 15, 66265.1 et seq.). All other facilities must submit an application to DTSC and will be billed by the Board of Equalization for the appropriate fees. These facilities must receive authorization from the department before they can operate as a hazardous waste facility. If you are interested in receiving the forms and supporting documentation, or to be placed on the mailing list for standardized permit information, please call the DTSC at (916) 323-6042. (Health and Safety Code 25201.6)

C. **Permit By Rule:** Generators or Transportable Treatment Units (TTU's) conducting onsite treatment of wastestreams currently eligible for PBR may become authorized under the PBR tier. This tier is for more hazardous and higher volume wastestreams and processes than those eligible for conditional authorization and conditional exemption. Notification forms are submitted with specific certification statements. A Phase I Environmental Assessment is required by January 1, 1997. Disclosure statements and public notice requirements have been dropped and financial assurance for closure have been delayed until January 1, 1997. Regulations adopted in February 1996 established new closure financial assurance mechanisms and a more favorable method for estimating closure costs for both PBR and CA. The generator or TTU must submit a notification fee of $1,236 in 1996 (rate is adjusted annually). If you are interested in receiving these forms and supporting documentation, please call the DTSC Regional Office at (916) 324-2423. (California Code of Regulations, Title 22, Division 4.5, Chapter 45, 67450.1 et. seq.)

D. **Conditional Authorization:** A generator or TTU performing onsite treatment of specified wastestreams using specified technologies as described in Health and Safety Code, Section 25200.3 may operate under conditional authorization. Conditionally authorized generators are subject to certain requirements or conditions. For most wastestreams, treatment in the unit cannot exceed 5,000 gallons or 45,000 pounds in any calendar month. There are no quantity limits for treatment of specified aqueous waste with metals and aqueous waste with organics, elementary neutralization of acidic or alkaline wastes hazardous only due to corrosivity or treatment of oily waste. Notification forms are submitted with specific certification statements. A Phase I Environmental Assessment is required by January 1, 1997. Liability insurance, public notice, and disclosure statements are not required. A generator or TTU operating under conditional authorization must submit a notification fee of $1,236 in 1996 (rate is adjusted annually). If you are interested in receiving forms and supporting documentation for notifying under conditional authorization, please call the DTSC Regional Office at (916) 324-2423. (Health and Safety Code 25200.3)

E. **Conditional Exemption:** Generators performing onsite treatment of *small quantities* (described below) of hazardous waste and treatment of *specified wastestreams* may treat with this authorization from the Department using specified technologies under conditions stated in the bill. The generator or TTU must submit a notification fee of $100 for the first year and $50 thereafter. (Health and Safety Code 25201.5) A new category authorized by AB 483, known as Conditional Exemption-Limited, only pays a one-time fee for treatment using oil/water separators (under certain conditions) and puncturing of aerosol cans.

The following are Conditionally Exempt, subject to limitations on the quantity treated onsite:

Small quantities - Treating 500 pounds or 55 gallons or less in any calendar month of PBR eligible hazardous waste using PBR treatment technologies. These generators cannot be required to obtain a hazardous waste facility permit for any other reason or they are ineligible for this exemption.

Photographic silver - Processing less than 500 gallons per month of silver halide containing solutions from photographic processing. Treating less than 10 gallons per month is fully exempt.

Oil-water separators - Oil water separation of hazardous waste if the average amount of oil recovered per month is less than 25 barrels.

There are no quantity or volume limitations to qualify as Conditionally Exempt for these treatment activities:

Resins – Treating resins by mixing or curing in accordance with the manufacturer's instruction.

Containers – Crushing containers of 110 gallons or less that may be managed as empty containers under State law, excluding those made of adsorptive material, by rinsing or by physical processes such as crushing or shredding.

Special waste – Drying to remove water from waste classified as special waste by the Department or treatment of these wastes by magnetic screening or separation.

Gravity settling – Gravity settling of solids where the resulting aqueous waste is not hazardous.

Certified and educational labs – Neutralizing acidic and alkaline effluent generated onsite solely as a result of analytical testing in a State certified or educational lab or a lab which treats less than one gallon of onsite generated hazardous waste in any single batch. (To be eligible for conditional exemption, this waste cannot contain more than 10% acid or base by weight.)

If you are interested in receiving forms and supporting documentation for notifying under conditional exemption, please call the DTSC Regional Office at (916) 324-2423.

Please note that some companies that operate multiple treatment units may choose to operate different units under different tiers. Also note that facilities subject to Tiered Permitting must comply with the requirements of AB 1772. Failure to notify the Department 60 days before using a new treatment unit may lead to substantial fines and penalties. DTSC provides a flowchart that can assist businesses in determining the appropriate tier for their onsite treatment operations. If you are interested in receiving the flowchart or notification forms, contact your DTSC Regional Office.

Conversion to Local Tiered Permitting Implementation - In 1996 and 1997, responsibility for implementing onsite tiered permitting and hazardous waste generator programs will be transferred from DTSC to local agencies. Legislation (HSC Chpt. 6.11, 1993), provides for new Unified Programs that consolidate six existing environmental programs. A local agency, such as a county, city, or Joint Powers Agency, applies to Cal/EPA to be a Certified Unified Program Agency (CUPA).

II. Where Should the Applicant Apply?

For a full RCRA equivalent permit, applicants should apply to the appropriate DTSC regional office for the area in which the proposed project is located for a Standardized permit, applicants should apply to DTSC's Headquarters' Permit Streamlining Branch.. All other notifications should be submitted to DTSC's Tiered Permitting Compliance Section. Onsite treatment notifications using Form 1772 and transportable treatment unit notifications should be submitted to the DTSC Headquarters Tiered Permitting Compliance Section, until the CUPA is certified for the local jurisdiction. Once the CUPA is certified and effective, responsibility for receiving and managing notifications and processing closures will be transferred to the CUPA. After January 1, 1997, please check with the DTSC Regional Office for the status of your jurisdiction's certification.

III. What Information Should the Applicant Provide Upon Application for a Full RCRA Permit?

Applicants are required to obtain an identification number from DTSC or from the U. S. Environmental Protection Agency at 1-800-619-6942 for information and complete a permit application consisting of two parts, Part A and Part B. Each applicant must notify DTSC of his/her identity, the business and facility's addresses, and describe the facility's hazardous waste management activities on a Part A form provided by DTSC. A detailed description of the facility's operation and management practices makes up the Part B. For additional detail, see Title 22 CCR Chapter 20, section 66270.14 et seq. Applicants should contact their regional office for Part B guidance specific to their facility type. The Part B requirements will vary depending on the type of facility, but most facilities must provide, at a minimum, the following information:

A. A map of the proposed facility site that features detailed topographic information such as: the facility, wells, springs, lakes, reservoirs, rivers, streams, etc.
B. A description of hazardous waste management at the facility: e.g., waste identification, quantities produced, processes generating the wastes, processes used to manage the waste, etc.
C. A list of equipment that the facility uses : e.g., safety and emergency equipment.
D. A detailed description of the facility's operation.
E. A detailed description of the emergency procedures at the facility, including a contingency plan addressing activities such as:
    1. Actions to be taken by facility personnel in response to fire, explosions or unscheduled releases of hazardous wastes;
    2. Responsibilities of the emergency coordinator;
    3. Procedures for maintaining emergency safety equipment and updating the contingency plan.
F. A closure plan that details the procedures and schedule for closing the facility and the cost of such closure.
G. Documents demonstrating compliance with the financial responsibility requirements.

IV. What Application Fee Should the Applicant Submit?

Under Health and Safety Code section 25205.7 DTSC must assess fees for permit applications. The fees are non-refundable.

Application Fees for Full Permits

	small	*medium*	*large*
Land Disposal Facility	$ 102,587	$ 218,770	$ 375,740
Storage/Treatment	$ 21,012	$ 38,315	$ 74,160
Incinerator	$ 61,798	$ 31,016	$ 224,949
Transportable Treatment Unit	$ 16,069	$ 7,079	$ 74,160
Postclosure	$ 9,886	$ 2,249	$ 37,079

Renewals: Facilities with a full or standardized permit shall pay an amount equal to the fee that would have been assessed had the person requested the same changes in a modification application, but not less than one-half the fee required for a new fee. *Other fees are:*

Variances:

Storage Requirements	$ 3,707
Alternate Method to Classify Waste	$ 371
Pursuant to Section 25179.8	$ 371
Hazardous Waste Haulers	$ 989
All Others	$ 9,886

Fees are subject to change.

If the application for a variance contains no significant change from a variance previously issued to the same operator, the fee shall be 25% of applicable fees.

Miscellaneous:
Tiered Permitting

Standardized Permit	
Series A	$ 31,560
Series B	$ 19,704
Series C	$ 5,251
Series C (small quantity)	$ 5,251
Permit by Rule	$ 1,236
Transportable Treatment Unit	$ 1,236 per unit, $618 per site
Conditional Authorization	$ 1,236
Conditional Exemption	$ 100 First year, $50 thereafter
Transportable Treatment Unit	$ 100 First year, $50 thereafter
Conditional Exemption Limited	$ 100 One time

If a facility operates onsite treatment units under more than one tier, only the higher rate will be charged. During 1996 and 1997, as the transition to the Unified Program takes place and CUPAs are certified, onsite treatment units will start paying local fees to CUPAs and will no longer be subject to annual state onsite fees.

Generators and transporters of extremely hazardous waste must pay a $247 annual fee per calendar year, billed by the Board of Equalization, and to be updated annually for inflation.

Waste Classification	$ 9,272
Additional classification, same wastestream	$ 1,236

Permit Modification:

Class 1 **When prior written approval of the Department is not required a fee of $124 per unit up to a maximum of $619 per application.**

When prior written approval of the department is required a Fee for Service fee not to exceed $619 per unit up to a maximum of $1,856 per application.

Class 2 **Treatment and/or Storage Facility - At the election of the applicant a Fee for Service agreed upon with the Department or 20% of the fee for a new permit for that facility for each unit directly impacted by the modifications, up to a maximum of 40% for each application for treatment and/or storage facilities.**

Disposal Facility of Incinerator - At the election of the applicant a Fee for Service agreed upon with the Department or 15% of the fee for a new permit for that facility for each unit directly impacted by the modifications, up to a maximum of 30% for each application.

Class 3 **Treatment and/or Storage Facility - At the election of the applicant a Fee for Service agreed upon with the Department or 40% of the fee for a new permit for that facility for each unit directly impacted by the modifications, up to a maximum of 60% for each application.**

Disposal Facility or Incinerator - At the election of the applicant a Fee for Service agreed upon with the Department or 30% of the fee for a new permit for that facility for

each unit directly impacted by the modifications, up to a maximum of 60% for each application.

Note: A fee of $500 will be assessed for Transportable Treatment Units (TTUs) converting from full permit to standardized permit or permit-by-rule. This fee does not apply to TTU's operating under permit-by-rule who are converting to standardized permit or a full permit.

No facility or operator will be subject to a permit modification fee resulting from a revision of their closure plan after the facility has stopped treating, storing, or disposing of hazardous waste.

For Closure permits these amounts apply to waste remaining after one month: Small - Manages 1,000 pounds or less of hazardous waste during any one month. Medium - Manages more than 1,000 pounds but less than 1,000 tons of hazardous waste during any one month. Large - Manages 1,000 tons or more of hazardous waste during any one month.

V. How Does DTSC Evaluate and Process an Application for a Full RCRA Equivalent Permit?

Criteria for Evaluation. DTSC evaluates permit applications by inspecting the facility and checking its consistency with the Part B application to determine whether the design and performance standards specified in the regulations have been met. In addition, the Regional Water Quality Control Board, the Air Quality Management District or a local Health Officer may request that specific conditions be met by the applicant prior to receiving the permit. Under certain conditions, such as a potential for groundwater contamination, the applicant may be asked for additional information to specifically address these concerns.

Procedures. When an applicant submits the part B application and is billed by the Board of Equalization, DTSC staff perform a review of the application and inspect the site. If there are no significant deficiencies in the Part B application, DTSC will deem the application complete. If deficiencies exist, either with the site inspection or with the Part B application, a Notice of Deficiency is sent to the applicant requesting appropriate action. Processing of the permit application stops until the deficiencies are addressed.

A draft permit is prepared after the application is determined to be complete and adequate to provide for operation in compliance with all applicable regulations. The draft permit is then sent to the appropriate federal, state and local agencies, the public and the applicant for review. Notice of the availability of the draft permit is made by announcement in a major local newspaper. The public comment period lasts for a minimum of 45 days. If there is significant public interest, a public hearing may be scheduled with a 30-day notice. Participants at the public hearing may present oral or written comments. DTSC prepares and makes available to the public written responses to all comments.

Note: A facility must receive authorization from DTSC before their permit is in effect.

Review for Completeness

DTSC has established timelines for review of the permit application for initial completeness, notwithstanding Government Code section 65943. DTSC has 60 days from the date of receipt of the permit application to determine if the application is administratively complete and notify the applicant in writing (Health and Safety Code 25199.6(a).

Timetable for Permit Application Processing

The processing timelines for hazardous waste facility permit projects vary depending on the role DTSC plays in the California Environmental Quality Act (CEQA) process and the type of facility proposed to be permitted [Health and Safety Code section 25199.6 (b) and (c)].

If DTSC is acting as a *responsible agency* under CEQA and the hazardous waste project is a land disposal facility, DTSC must approve or disapprove the permit:

1. Within one year from the date on which the lead agency approved or disapproved the project; or
2. Within one year from the date on which the completed application for the project has been received and accepted as technically complete, *whichever is longer*.

If DTSC is acting as a *responsible agency* under CEQA and the hazardous waste project is *not* a land disposal facility, DTSC must approve or disapprove the permit:

1. Within 180 days from the date on which the lead agency approved or disapproved the project; or
2. Within 180 days from the date on which the completed application for the project has been received and accepted as technically complete, *whichever is longer.*

If DTSC is acting as the *lead agency* under CEQA, two actions take place. First, DTSC must certify the adequacy of the environmental document prepared for the project. Separately, DTSC must approve the hazardous waste facility permit application. DTSC must complete and certify and Environmental Impact Report within 365 days (105 days for a Negative Declaration) from the date DTSC accepted the permit application as technically complete (Public Resources Code section 21100.2). DTSC must approve or disapprove the permit within six months of the date DTSC certifies compliance with CEQA and the EIR has been found to be complete.

VI. How Does DTSC Evaluate and Process a Notification/Application for the 4 Lower Tiers of Authorization?

A. ***Standardized Permit*** - If a facility was operating or authorized to operate as of September 1, 1992, but did not notify by the October 1, 1993 deadline for interim status, and wishes to continue operating, the facility must contact DTSC to obtain authorization to operate. Any facility in this category that fails to contact DTSC will be subject to fines and penalties for operating without a permit.

Companies that wish to construct a new facility must contact the Department and submit a Standardized Permit notification and an application, and receive a permit before operating. After an applicant submits the application and is billed an application fee by the Board of Equalization, DTSC staff perform a review for initial completeness. The application is processed, the facility inspected, and public notice takes place within the 18 month period that DTSC has to make a final determination. *Note: A facility must receive authorization from DTSC before their permit is in effect and a facility must be in compliance with CEQA.*

B. ***Permit by Rule*** - A facility must submit specific submittal forms and supporting documents. The package is reviewed and final action on each PBR authorization is made within 60 days. *Note: A facility must receive authorization from DTSC before their permit is in effect.*

C. ***Conditional Authorization/Conditional Exemption*** - A facility must submit specific submittal forms and supporting documentation. The package is reviewed and acknowledgment is sent to the applicant. *Note: The authorizations are effective upon submittal of a valid notification package to DTSC.*

VII. What are the Applicant's Rights and Responsibilities after the Approval is Granted?

DTSC specifies the applicant's rights and responsibilities in the permit. The permit is both general and specific and incorporates by reference the entire Part B and other relevant conditions or provisions as specified by regulation and statute.

VIII. What are DTSC's Rights and Responsibilities after the Permit is Granted?

DTSC requires each facility to submit an annual report listing the hazardous waste management activities during the preceding year. This report will include data such as waste generated, received, incinerated, recycled, stored or treated. The report must also include an updated cost estimate for closure and certification of waste minimization procedures implemented.

In addition, final disposition of all wastes shipped offsite must be declared in the annual reports. All waste received at an offsite facility must be accompanied by a manifest and a copy of this manifest mailed to DTSC within 30 days of receipt of the waste.

IX. What Other Agencies Should the Applicant Contact?

A. *Local* – City, county, special planning districts, county health officer, certified unified program agencies

B. *State* – Regional Water Quality Control Board
Air Pollution Control District
California Integrated Waste Management Board (if the facility will manage both hazardous and non-hazardous waste)
Division of Occupational Safety and Health
CAL/OSHA Consultation Service

C. *Federal* – U.S. Environmental Protection Agency, Region IX, (415) 744- 2064, if the wastes to be handled are hazardous wastes under Title 40, Code of Federal Regulations, Part 261.

X. What Other Sources of Information are Available to the Project Proponent?

A. California Environmental Protection Agency, Health and Safety Code Division 20, Chapter 6.5, section 25100 et seq.;
B. California Hazardous Waste Control Regulations, California Code of Regulations, Title 22, Division 4.5, section 66260.1 et seq.;
C. Federal Resource Conservation and Recovery Act (RCRA) Regulations, Title 40, Code of Federal Regulations, Parts 260 through 270.
D. Guidance Document *Instructions for Preparing an Operation Plan for a Treatment, Storage and/or Disposal Facility*, California Department of Toxic Substances Control.
E. Call DTSC directly for information on four classes on hazardous waste generator requirements.

California Department of Toxic Substances Control
Regional Offices

Department of Toxic Substances Control
400 P Street (Headquarters Office)
PO Box 806
Sacramento, CA 95812.1826
(916) 324-1826

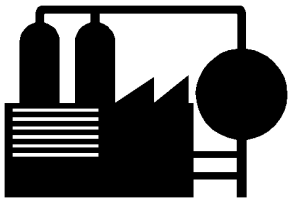
Region 1 - Sacramento
Department of Toxic Substances Control
10151 Croydon Way, Suite 3
Sacramento, CA 95827
(916) 255-3545

Region 1 - Fresno
(Surveillance & Enforcement and Site Mitigation Branch Office)
Department of Toxic Substances Control
1515 Toll House Road
Clovis, CA 93612
(209) 297-3901

Region 2 - Berkeley
Department of Toxic Substances Control
700 Heinz Avenue, Bldg F, Suite 200
Berkeley, CA 94710
(510 540-2122

Region 3 - Burbank
Department of Toxic Substances Control
1011 Grandview Avenue
Glendale, CA 91201
(818) 551-2800

Region 4 - Long Beach
Department of Toxic Substances Control
245 West Broadway, Suite 350
Long Beach, CA 90802
(310) 590-4868



REGIONAL WATER QUALITY CONTROL BOARDS (RWQCB)

National Pollutant Discharge Elimination System (NPDES)

I. Who Needs a National Pollutant Discharge Elimination System (NPDES) Permit?

The owner or operator of any facility that is currently discharging, or proposing to discharge, waste into any surface waters of the state must obtain waste discharge requirements. For discharges to surface waters, these requirements become a federal National Pollutant Discharge Elimination System (NPDES) Permit from the Regional Water Quality Control Board (RWQCB) in the project area.

The RWQCBs issue NPDES permits to protect the waters of the state for the use and enjoyment of the people of California. The SWRCB and the RWQCBs seek to attain the highest water quality reasonably attainable in the state.

Examples of activities that may discharge waste into waters of the state include:

A. Paper, textile, and grain mills;
B. Meat, dairy, vegetable, sugar, and seafood production and processing facilities;
C. Cement, chemical, detergent, fertilizer, steel, glass, rubber, timber, leather manufacturing and processing facilities;
D. Petroleum refining operations;
E. Feedlots for cattle, swine, sheep, goats, horses, turkeys, chickens, and ducks;
F. Sewage treatment plants;
G. Storm water runoff discharges (municipal, industrial, and construction);
H. Dredge spoils discharges;
I. Mining activities; and,
J. Groundwater discharge operations.

Most owners or operators of facilities that discharge waste into a municipal sanitary sewer system need not obtain an NPDES permit. The United States Environmental Protection Agency (USEPA), the SWRCB, and the respective RWQCB or the local wastewater management agency may require some industries to treat industrial hazardous wastes before such wastes are discharged to a municipal sanitary sewer system. The local wastewater management agency advises industries of those requirements.

Storm Water

Industrial – Persons whose discharges are composed entirely of industrial storm water runoff may be eligible to be regulated under a General Industrial Storm Water Permit issued by the SWRCB rather than an individual NPDES permit issued by the appropriate RWQCB. The General Industrial Storm Water Permit regulates storm water runoff from eligible industrial activities including:

A. Facilities subject to storm water effluent guidelines (as specified in subchapter N of Title 40 of the Code of Federal Regulations);
B. Manufacturing facilities;
C. Mining and oil and gas facilities;
D. Hazardous waste treatment, storage, or disposal facilities;
E. Landfills, land application sites, and open dumps that receive industrial waste;
F. Recycling facilities such as metal scrap yards, battery reclaimers, salvage yards, automobile yards;
G. Steam electric generating facilities;

H. Transportation facilities;
I. Sewage treatment plants; and,
J. Certain facilities if materials are exposed to storm water.

Additional information about eligible industrial activities and the permit application provisions may be obtained from the SWRCB's **General Industrial Storm Water Permit Information Line** at (916) 657-1110.

General Construction Activity – The SWRCB has also adopted **a General Construction Activity Storm Water Permit** for storm water discharges associated with any construction activity including clearing, grading, excavation reconstruction, and dredge and fill activities that results in the disturbance of at least five acres of total land area. Additional information about that permit can be obtained by contacting the SWRCB's Construction Activity Storm Water Permit Information Line at (916) 657-1146.

Municipal Urban (Areawide) Storm Water Discharges – A municipal separate storm sewer system, as defined by the USEPA (in Part 122 of Title 40 of the Code of Federal Regulations) must obtain an NPDES permit by a certain date according to the population served by the system. Municipal separate storm sewer system officials must submit an NPDES application and supporting information to the respective RWQCB.

II. Where Should the Developer-Applicant (Discharger) Apply?

Developer-applicants (dischargers) should direct inquiries and permit applications to the RWQCB for the area in which the proposed project is located.

III. What Information Should the Developer-Applicant (Discharger) Submit Upon Application?

Anyone currently discharging pollutants into the surface waters of the state must file complete federal NPDES permit application forms with the appropriate RWQCB. Anyone proposing to discharge pollutants into the surface waters of the state must submit a complete application at least 180 days before beginning the activity.

The RWQCBs require the developer-applicant (discharger) to complete the standard federal form for each source of discharge:

A. *Form 1*	General information completed in conjunction with Forms 2B, 2C, 2D, 2E, 2F (pending approval), Short Form A and Standard Form A;
B. *Short Form A*	Publicly-Owned Treatment Works serving 10,000 capita or less;
C. *Standard Form A*	Publicly-Owned Treatment Works serving over 10,000 capita or treating significant industrial waste;
D. *Form 2B*	Concentrated animal feeding operations and aquatic animal production facilities. New applications or renewals;
E. *Form 2C*	Existing manufacturing, commercial, mining, and silvicultural operations (including federal facilities);
F. F*orm 2D*	Manufacturing, mining, commercial, and silvicultural operations. New applications only;
G. *Form 2E*	Non-manufacturing facilities, trailer parks, service stations, laundry mats, commercial facilities, etc. New applications or renewals; and,
H. *Standard Form 2F*	Storm water discharges associated with industrial activity.

The RWQCB may require the developer-applicant (discharger) to submit two or more forms. For example, if the discharger operates a dairy, and at the same site processes milk into cheese, both Forms 2B and 2C must be

submitted. Current revisions of the above-cited forms can be ordered from the National Center for Environmental Publications and Information at (513) 891-6561.

Owners or operators of existing industrial facilities requiring an NPDES storm water permit may fulfill the NPDES storm water permitting requirements by submitting a Notice of Intent (NOI) to the SWRCB for regulation under the general (NPDES) industrial storm water permit. Owners or operators of new facilities that require a NPDES storm water permit who wish to be regulated by the general (NPDES) industrial storm water permit must file a NOI at least 30 days prior to operation of that facility. Additional details on submittal procedures for the general (NPDES) industrial activities storm water permit can be obtained from the RWCQB in which the facility is located or by calling the SWRB's Industrial Activities Storm Water Permit Information line at (916) 657-1110.

Owners of construction activities that result in a land disturbance of five acres or more must submit a NOI to the SWRCB prior to the commencement of construction. Additional details on submittal procedures for the general (NPDES) construction activity storm water permit can be obtained either from the RWQCB in which the facility is located or by telephoning the SWRCB's Construction Activity Storm Water Permit Information Line at (916) 657-1146.

NOIs for either the General Industrial Activities Storm Water Permit or the General Construction Activities Storm Water Permit should be sent to:

State Water Resources Control Board
Division of Water Quality
Attention: Storm Water Permit Unit
P.O. Box 1977
Sacramento, CA 95812-1977
(916) 657-0687

IV. What Application Fee Should Developer-Applicant (Discharger) Submit?

The following fee schedule is set forth in Section 2200 of Title 23 of the California Code of Regulations. Note: The fees are subject to revision.

A. Each person applying for an NPDES permit (waste discharge requirements) shall pay a fee to the RWQCB along with the permit application; that fee serves as the first annual fee. After the permit is issued, a discharger must pay a fee annually to the SWRCB.

The RWQCB, for the area in which the project is located, will specify the amount of the fee to be submitted with the application (and to be paid annually thereafter) in accordance with the following schedule:

Application and Annual Fee Schedule

RATING	NPDES PERMITS[1]
I-A	$ 10,000
I-B	$ 7,000
I-C	$ 5,500
II-A	$ 4,000
II-B	$ 2,000
II-C	$ 1,200

Application and Annual Fee Schedule (Cont.)

[1] National Pollutant Discharge Elimination System (NPDES) permits are issued to point source discharges of pollutants to surface waters and are issued pursuant to Water Code Chapter 5.5 which implements the federal Clean Water Act. Examples include, but are not limited to, public wastewater treatment facilities, industries, power plants, and ground water cleanups discharging to surface waters.

RATING	NPDES PERMITS
III-A	$ 1,000
III-B	$ 750
III-C	$ 400

Applicants for NPDES permits for areawide urban storm water discharges, as defined by the USEPA (in Part 122 of Title 40 of the Code of Federal Regulations) must submit a fee with the application (and annually after the permit is issued) according to the population in that area:

(1) A fee of $10,000 for areas with a population greater than 100,000 persons;
(2) A fee of $5,000 for areas with a population less than 100,000 persons; however,
(3) public entities which lie within more than one RWQCB shall be subject to a fee based upon its total population without regard to the number of areawide urban storm water permits issued by a RWQCB.

The application and annual fees for individual NPDES permits for industrial storm water discharges shall be based on the discharge's threat to water quality and complexity in accordance with the fee schedule shown above and ratings described below.

Applicants submitting an NOI for industrial or construction activity storm water discharges to be regulated under a general (NPDES) storm water permit and which discharge to a municipal storm water system regulated by an areawide urban storm water permit shall pay an application fee, and an annual fee thereafter, of $250. The application and subsequent annual fee for all other industrial or construction activity storm water discharges regulated by a general (NPDES) storm water permit is $500.

Facilities required to have a (NPDES) storm water permit that are regulated by waste discharge requirements adopted pursuant to Water Code Section 13263 shall be exempt from the application and annual fee for regulation of storm water discharges.

Persons submitting applications for discharges to be regulated by a general NPDES permit, issued by a RWQCB or SWRCB, for discharges other than storm water shall be accompanied by a fee based on the threat to water quality and complexity of the discharge. All discharges that are subject to a given general permit shall pay the same fee. The same fee applies annually thereafter.

Fees for fill or dredge operations shall accompany a complete application, and shall be assessed on an annual basis for as long as the permit (waste discharge requirement) is in effect, as follows:

Fill: – One acre or less, flat fee of $1,000.
– More than one acre, $1,000 per acre or part thereof (not to exceed statutory maximum).

Dredge: – Less than 10,000 cubic yards, flat fee of $500.
– 10,000 to 20,000 cubic yards, flat fee of $2,000.
– More than 20,000 cubic yards, $2,000 plus $250 for each additional 5,000 cubic yards or part thereof (not to exceed the statutory maximum).

Fees are subject to change.

The "rating" criteria in the above fee schedule are based on the threat to water quality and the complexity of the applicant's proposed discharge; these criteria are defined as follows:

Threat to Water Quality

Category I — Discharges of waste which could cause long-term loss of a designated beneficial use of the receiving water. Examples of long-term loss would include the loss of a drinking water supply, the closure of an area used for water contact recreation, or the posting of an area used for spawning or growth of aquatic resources, including shellfish and migratory fish.

Category II — Those discharges of waste which could impair the designated beneficial uses of the receiving water, cause short-term violations of water quality objectives, cause secondary drinking water standards to be violated, or cause a nuisance.

Category III — Those discharges of waste which could degrade water quality without violating water quality objectives, or cause a minor impairment of designated beneficial uses compared with Category I and Category II.

Complexity

Category "A" — Any major NPDES discharger; any discharge of toxic wastes; any small volume discharge containing toxic waste or having numerous discharge points or ground water monitoring; any Class I waste management unit.

Category "B" — Any discharger not included above which has physical, chemical, or biological treatment systems (except for septic systems with subsurface disposal), or any Class II or Class III waste management units.

Category "C" — Any person for whom waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code not included as a Category "A" or Category "B" as described above. Included would be discharges having no waste treatment systems or that must comply with best management practices, discharges having passive treatment and disposal systems, such as septic systems with subsurface disposal systems, or dischargers having waste storage systems with land disposal.

B. Developer-applicants (dischargers) who own or operate confined animal feedlots, including dairies, shall not be subject to an annual fee. They are required to pay a one-time filing fee of $2,000 which must be submitted to the RWQCB with each report of waste discharge.

C. If waste discharge requirements are waived pursuant to Section 13269 of the Water Code, a refund of the application or filing fee may be made provided the RWQCB withholds sufficient funds to cover actual staff time spent in reviewing the report of waste discharge. The withheld amount shall be calculated using a rate of $50.00 per hour of staff time. A Notice of Intent (NOI) is considered to be a report of waste discharge.

D. Application for the re-issuance of an expiring NPDES permit shall be accompanied by a fee equal in amount to the annual fee specified in fee schedule above. This fee is considered the first annual fee. If the submittal of the first annual fee does not coincide with the current year billing cycle, then the next, and only the next, annual fee billing amount shall be adjusted to account for the payment of a full annual fee for the partial year after the permit was re-issued.

V. How does the RWQCB Evaluate and Process the Application?

Criteria for Evaluation. The RWQCB evaluates the NPDES permit application to determine whether the proposed discharge is consistent with the SWRCB's and the RWQCB's adopted water quality objectives, the Areawide Waste Treatment Management ("208") Plan, the Water Quality Control Plan (Basin Plan) for the area in which the project is located, and federal effluent limitations.

When approving an NPDES permit, the RWQCB sets pollutant limits ("effluent limitations") on each discharge. These limits ensure that the discharge will not harm public water supplies, agricultural and industrial water use, wildlife habitat, any water-related recreational activity, or other beneficial uses of the receiving water and that the discharge will comply with the requirements of federal and state law.

The RWQCB may deny an NPDES permit if the discharge contains a harmful biological, radiological, or chemical agent or if the discharge would substantially impair the anchorage and navigability of the waterway.

Procedures. After receiving an NPDES permit application and the appropriate fee, the Executive Officer of the RWQCB determines whether the application is complete. If incomplete, the Executive Officer requests specific additional information. When the application is complete, the Executive Officer forwards it to the Regional Administrator of the United States Environmental Protection Agency (USEPA) within 15 days.

The Regional Administrator of the USEPA has 30 days to review the application to see that it is complete and to request additional information from the discharger, if necessary. If additional information is requested, the Regional Administrator has an additional 30 days after the request is met to complete the review and forward comments to the RWQCB's Executive Officer.

The Executive Officer reviews the application to determine whether the RWQCB should issue the NPDES permit or prohibit the discharge. The NPDES permit contains formal instructions to the owner or operator concerning the terms and conditions of approval.

Upon determining that the RWQCB should issue the NPDES permit, the Executive Officer directs the staff to prepare the tentative requirements for the project, including proposed:

A. Effluent limitations;
B. A schedule for complying with the NPDES permit;
C. Special and general conditions;
D. A program for the discharger to monitor the discharge;
E. Reporting requirements; and,
F. A Fact Sheet or Statement of Basis.

After the staff has formulated the tentative NPDES permit, the Executive Officer forwards a copy to the Regional Administrator of the USEPA for review. The Regional Administrator has 30 days to object or submit comments to the Executive Officer of the RWQCB. The Regional Administrator may request an additional 60 days to review the tentative NPDES permit.

The Executive Officer may prepare a "Fact Sheet or Statement of Basis" for each project even though the discharge may only occur once per year. Fact Sheets are required for all major NPDES permits. (For minor discharges, an abbreviated Statement of Basis will be prepared.) Fact Sheets contain the following information:

1. A brief description of the type of facility or activity which is subject to the draft permit;
2. A sketch or detailed description of the location of the discharge;
3. The type and quantity of waste to be discharged;
4. A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions;
5. Calculations and other explanations of the derivation of effluent limitations and special conditions, including citations to applicable guidelines or performance standard provisions and an explanation of their applicability;
6. Requested variances or modifications with reasons why they do, or do not, appear justified;
7. If the permit contains any of the following conditions, an explanation of the reasons why such conditions are applicable:
   a) Limitations to control toxic pollutants,
   b) Limitations on internal waste streams,
   c) Limitations on indicator pollutants;
8. A description of the compliance history and current compliance status of the discharge, including status of current enforcement actions;
9. A description of the procedures for reaching a final decision on the draft permit; and,
10. Name and telephone number of a staff member who can provide additional information.

The Executive Officer distributes the Fact Sheet with the tentative NPDES permit. In addition to the Regional Administrator of the USEPA, the Executive Officer distributes the Fact Sheet to other state and federal agencies. The agencies contacted typically include the United States Army Corps of Engineers, the State Departments of Fish and Game, Health Services, and Water Resources, and the areawide wastewater management planning agency.

Following the Regional Administrator's review of the tentative NPDES permit, the Executive Officer prepares a "Notice of Public Hearing". The Executive Officer mails a copy of the notice to the discharger with instructions for circulation. The instructions may require the discharger to do any or all of the following:

A. Place the notice in the post office and in other public places within the municipality closest to the area of discharge;
B. Post the notice at the entrance of the discharger's premises and in other nearby places; and,

C. Publish the notice in local newspapers or in a daily newspaper with general circulation.

The discharger must publish the notice for one day and submit proof of having complied with the instructions to the RWQCB's Executive Officer within 15 days after the posting or publication.

The Executive Officer also mails a public notice of the tentative NPDES permit to persons and public agencies with a known interest in the project and to other persons requesting such notice. The Executive Officer allows these reviewers at least 30 days to submit comments. The Executive Officer permanently files all comments and considers them when preparing the final NPDES permit.

The Executive Officer reviews all comments and recommendations and attempts to resolve any objections to the tentative NPDES permit. The Executive Officer then directs the staff to modify the tentative NPDES permit.

The RWQCB must hold the public hearing with at least a 30 day public notification. The RWQCB may adopt the tentative NPDES permit or modify and adopt it at the public hearing by majority vote.

If the Board adopts the tentative NPDES permit as proposed or adopts other requirements, it specifies the date the requirements become effective. Also, the Regional Administrator for the USEPA has 10 days to review the requirements. If the Administrator objects, the NPDES permit does not become effective until the Executive Officer of the RWQCB satisfies all objections.

Upon determining that the RWQCB should prohibit the discharge, the Executive Officer submits a report to the RWQCB stating the reasons. The Executive Officer's report is processed in the same manner as the tentative NPDES permit. The RWQCB may or may not accept the Executive Officer's recommendation or the RWQCB may modify the recommendation.

The entire RWQCB review and issuance process for NPDES permits takes about six months.

Appeals. Anyone wishing to appeal a RWQCB decision may do so by writing to the SWRCB within 30 days of the RWQCB's decision. Persons may appeal RWQCB decisions to:

State Water Resources Control Board
901 P Street
P.O. Box 100
Sacramento, CA 95812-0100
(9l6) 657-2390

The petition should include the:

A. Petitioner's name and address;
B. Specific action by the RWQCB which the petitioner is requesting the SWRCB to review, and a copy of any order or resolution which is referenced in the petition;
C. Date on which the RWQCB acted;
D. Reason(s) the petitioner feels the action of the RWQCB was inappropriate;
E. Manner in which the petitioner is affected;
F. Specific action the petitioner requests the SWRCB to take; and,
G. Legal document known as "Points and Authorities," which discusses legal issues raised by the petition.

(A complete list of required items is found in Section 2050 of the Title 23 of the California Code of Regulations.)

If the petitioner requests a public hearing, the appeal must state that additional evidence is available which was not presented to the RWQCB or was improperly excluded. The petitioner must include a general statement of the nature of the evidence and the facts to be proven.

If the discharger is not the petitioner, the petitioner must send a copy of the petition to both the discharger and the appropriate RWQCB. When a petition is filed, the SWRCB staff will review it for compliance with the filing requirements. If it is complete, all interested persons will be notified and given 20 days to file a response with the SWRCB and send a copy of the response to the RWQCB and petitioner.

The SWRCB may refuse to review the action of the RWQCB, may review the RWQCB's action based upon its records, or may hold its own hearing. If the SWRCB reviews the RWQCB's action, it may either deny or modify the petition or direct the RWQCB to take specific action.

If the SWRCB holds a public hearing to review the appeal, it notifies the petitioner, the RWQCB, and other appropriate persons and agencies.

Persons wishing to appeal a decision are encouraged to telephone the SWRCB (at the above number) first to discuss the petition procedures.

VI. What are the Developer-Applicant's (Discharger's) Rights and Responsibilities After the Permit is Granted?

Rights. A developer-applicant (discharger) may request that the RWQCB's Executive Officer hold all or part of the NPDES permit application confidential. If state law permits and if the Regional Administrator of the USEPA approves, the Executive Officer may classify information as confidential. If the Executive Officer denies the developer-applicant's (discharger's) request to declare information confidential, anyone may request a copy of the information from the RWQCB.

NPDES permits expire within five years. Every five years, a discharger must renew the permit. To do so, a discharger (developer-applicant) must file a new NPDES permit application with the RWQCB at least 180 days prior to the expiration of the existing NPDES permit. The RWQCB will reissue the NPDES permit if:

A. The discharger has complied with all terms and conditions of the existing NPDES permit;
B. The discharger has filed all required data, fees, and a new application; and,
C. The discharge meets applicable effluent standards and limitations.

An NPDES permit may be administratively extended for five years. Thereafter, the RWQCB will follow the notice and hearing procedures described above for renewals.

Responsibilities. The developer-applicant (discharger) must monitor the following on the form supplied by the RWQCB:

A. Discharges which the Regional Administrator of the USEPA has requested to be monitored;
B. Discharges which contain toxic pollutants for which the RWQCB has established effluent limitations; and,
C. Discharges which the RWQCB specifically requires to be monitored.

The RWQCB may require the discharger to monitor the volume of the discharge, the pollutants that the discharger must reduce or eliminate, the pollutants that the RWQCB deems as having a potential significant effect on water quality when discharged, and any additional pollutants specified by the Regional Administrator of the USEPA. The RWQCB requires the discharger to keep accurate records of the:

A. Date, place, and time of sampling;
B. Name and address of the person who took the sample;
C. Date that the analysis was performed;
D. Method used to perform the analysis; and,
E. Results of the analysis.

The RWQCB may require each discharger with a monitoring program to submit a periodic report to the RWQCB summarizing the data from the previous year.

The RWQCB requires the discharger to have analyses of pollutants performed at a laboratory approved by the State Department of Health Services. In the event that the discharger does not have access to an approved laboratory, the Executive Officer may modify this requirement. The modification does not relieve the discharger of the responsibility for conducting an analysis, but makes other laboratories available that are satisfactory to the state.

If the discharger wishes to alter the amount, type, area, or method of disposal of the discharge substantially, the discharger must file a revised NPDES permit application with the RWQCB.

VII. What are SWRCB's and RWQCB's Rights and Responsibilities After the Permit is Granted?

Rights. The SWRCB or RWQCB may require the discharger to discontinue the discharge if it violates the conditions of the NPDES permit or has misrepresented the activity to obtain the NPDES permit.

The State and RWQCBs may assess administrative civil liability or go to court to seek penalties of up to $25,000 per day for violations of the permit or up to $50,000 per day for willful or intentional violations.

Responsibilities. The SWRCB and the RWQCBs are responsible for protecting the waters of the state.

VIII. What Other Agencies Should the Developer-Applicant (Discharger) Contact?

Developer-applicants (dischargers) should consider whether any of the agencies listed below must also issue permits or approvals for the proposed project:

A. *Local* – city, county, and special district

B. *State* – Air Resources Board
Coastal Commission
Department of Conservation, Division of Oil, Gas, and Geothermal Resources
Department of Fish and Game
Department of Forestry
Department of Health Services
Department of Parks and Recreation
Department of Toxic Substances Control
Department of Water Resources, Division of Safety of Dams
San Francisco Bay Conservation and Development Commission
Integrated Waste Management Board
The Reclamation Board
San Francisco Bay Conservation and Development Commission
State Lands Commission
Tahoe Regional Planning Agency

C. *Federal* – United States Environmental Protection Agency
United States Army Corps of Engineers
Bureau of Reclamation
United States Fish and Wildlife Service
National Marine Fisheries Service

See Appendix F for telephone numbers.

IX. What Other Sources of Information are Available to the Developer-Applicant (Discharger)?

Developer-applicants (dischargers) may refer to the publications listed below for further information about NPDES permits:

A. *The Porter-Cologne Water Quality Control Act and Related Code Sections*
B. *California Code of Regulations, Title 23*
C. *Federal Clean Water Act*
D. *Regulations Concerning the National Pollutant Discharge Elimination System* (40 CFR)

The *California Water Code* is generally available for review at county law libraries and the State Library in Sacramento or may be purchased from various legal publishers. Excerpts of the California Code of Regulations may be purchased from:

Barclay Law Publishers
Post Office Box 60000
San Francisco, CA 94160-2021

Copies of the *Federal Clean Water Act* and *Regulations Concerning the National Pollutant Discharge Elimination System* (40 CFR) may be obtained by telephoning the office of the U.S. Environmental Protection Agency, Region 9, San Francisco, CA, at (415) 744-1500.

REGIONAL WATER QUALITY CONTROL BOARDS

Waste Discharge Requirements Permit (WDRs)

I. Who Needs Waste Discharge Requirements Permit?

The owner or operator of any facility or activity that discharges, or proposes to discharge, waste that may affect groundwater quality or from which waste may be discharged in a diffused manner (e.g., erosion from soil disturbance) must first obtain waste discharge requirements permit (WDRs) from the appropriate Regional Water Quality Control Board (RWQCB). If a facility or activity will discharge waste (including storm water run off for certain industrial or construction activities) to surface water (for example, from a pipe or confined channel), the owner or operator must obtain a National Pollutant Discharge Elimination System (NPDES) permit rather than waste discharge requirements (WDRs). Activities that do not pose a threat or nuisance to water quality may be allowed a waiver of WDRs.

The RWQCBs adopt waste discharge requirements (WDRs) to protect the waters of the state for the use and enjoyment of the people of California. The State Water Resources Control Board (SWRCB) and RWQCBs seek to attain the highest possible water quality in the state.

Examples of the types of wastes that may require waste discharge requirements (WDRs) include:

A. Drainage from agricultural operations;
B. Drainage from waste materials in landfills;
C. Flow or seepage containing debris or eroded earth from logging operations;
D. Drainage from inoperative and abandoned mines;
E. Feedlots for cattle, swine, sheep, goats, horses, turkeys, chickens, and ducks;
F. Waste from construction or dredging operations;
G. Food production and processing wastes;
H. Waste from manufacturing and refining operations;
I. Municipal and industrial wastes, if percolation or injection to groundwater are the disposal methods; and
J. Residual waste and effluent from cleanup of sites.

The discharge of waste into a municipal sanitary sewer system is not subject to waste discharge requirements (WDRs). The United States Environmental Protection Agency (USEPA), the SWRCB, the RWQCBs, and the local wastewater management agency may require some industries to pretreat industrial or hazardous wastes prior to discharge to the municipal sanitary sewer system. The local wastewater management agency will notify the industry of the requirements.

Waste disposal by injection well may also be subject to a Federal Underground Injection Control Program permit issued by the USEPA or to a permit issued by the Department of Conservation, Division of Oil and Gas for injection of oilfield wastes.

Certain waste management units (landfills, surface impoundments, waste piles, land treatment facilities, confined animal waste facilities, and mining waste facilities) may be subject to the construction and/or closure requirements established in *California Code of Regulations*, Title 23, Division 3, Chapter 15.

II. Where Should the Developer-Applicant (Discharger) Apply?

Developer-applicants (dischargers) should direct their application and any inquiries to the RWQCB for the area in which the proposed project is located. See page 68 for list of regional offices.

III. What Information Should the Developer-Applicant (Discharger) Submit Upon Application?

Anyone proposing to discharge or currently discharging wastes that may affect surface or ground water quality must file a complete "Report of Waste Discharge" with the appropriate RWQCB. Persons proposing to discharge

wastes which may affect water quality must submit a complete Report of Waste Discharge at least 120 days before they intend to begin discharging waste.

A developer-applicant (discharger) must provide the following information on the "Report of Waste Discharge:"

A. Names, addresses, and telephone numbers of the owner of the facility, the owner's authorized agent, and any lessee(s) of the facility;
B. Description of the facility or activity, including whether the applicant proposes to increase or change an existing discharge or create a new one;
C. Location of the operation by section, township, and range, with a USGS 7.5 minute series topographic map attached;
D. Description of the discharge by type, quality, quantity, interval, and method of discharge;
E. Source of water that contributes to or transports the waste;
F. Water flow and location map, identifying all discharge points; and,
G. Statement noting whether an environmental document has been or must be prepared and submitted in a timely manner.

IV. What Application Fee Should the Developer-Applicant (Discharger) Submit?

The following fee schedule is set forth in Section 2200 of Title 23 of the California Code of Regulations. The schedule is subject to revision.

A. Each person applying for waste discharge requirements shall pay a fee to the RWQCB along with the "Report of Waste Discharge;" that fee serves as the first annual fee. After waste discharge requirements are issued, a discharger must pay a fee annually to the SWRCB.

The RWQCB, for the area in which the project is located, will specify the amount of the fee to be submitted with the application (and to be paid annually thereafter) in accordance with the following schedule:

Application and Annual Fee Schedule

Program Rating	*Non-Chap 15 WDR*[2]	*Chap 15 WDR*[3]
I-A	$ 10,000	$ 10,000
I-B	$ 5,500 – $ 7,500	
I-C	$ 3,000 – $ 6,000	
II-A	$ 2,000 – $ 5,000	
II-B	$ 1,200 – $ 4,000	
II-C	$ 900 – $ 3,000	
III-A	$ 750	$ 2,000
III-B	$ 400	$ 1,500
III-C	$ 200	$ 750

Fees are subject to change.

Persons submitting applications for discharges (other than storm water) to be regulated by a general waste discharge requirement order issued by a RWQCB, shall be accompanied by a fee based on the above fee schedule; a fee must also be paid annually thereafter.

[2] Non-Chapter 15 Waste Discharge Requirements (Non-Chap 15 WDRs) are those discharges of waste to land which are regulated through waste discharge requirements issued pursuant to Water Code Section 13263 that do not implement the requirements of Chapter 15 of Division 3 of Title 23. Examples include, but are not limited to, waste water treatment plants, erosion control projects, and septic tank systems.

[3] Chapter 15 Waste Discharge Requirements (Chap 15 WDRs) are those discharges of waste to land which are regulated through waste discharge requirements issued pursuant to Water Code Section 13263 that implement the requirements of Chapter 15 of Division 3 of Title 23. Examples include, but are not limited to, landfills, both active and closed, and mining operations.

Fees for fill or dredge operations shall accompany a complete application, and shall be assessed on an annual basis for as long as the permit (waste discharge requirement) is in effect, as follows:

Fill: — One acre or less, flat fee of $1,000.
— More than one acre, $1,000 per acre or part thereof (not to exceed statutory maximum).

Dredge: — Less than 10,000 cubic yards, flat fee of $500.
— 10,000 to 20,000 cubic yards, flat fee of $2,000.
— More than 20,000 cubic yards, $2,000 plus $250 for each additional 5,000 cubic yards or part thereof (not to exceed the statutory maximum).

Fees are subject to change.

The "rating" criteria in the above fee schedule are based on the threat to water quality and the complexity of the applicant's proposed discharge; these criteria are defined as follows:

Threat to Water Quality

Category I Those discharges of waste which could cause the long-term loss of a designated beneficial use of the receiving water. Examples of long-term loss of beneficial use would include the loss of a drinking water supply, the closure of an area used for water contact recreation, or the posting of an area used for spawning or growth of aquatic resources, including shellfish and migratory fish.

Category II Those discharges of waste which could impair the designated beneficial uses of the receiving water, cause short-term violations of water quality objectives, cause secondary drinking water standards to be violated, or cause a nuisance.

Category III Those discharges of waste which could degrade water quality without violating water quality objectives, or cause a minor impairment of designated beneficial uses compared with Category I and Category II.

Complexity

Category "A Any major NPDES discharger; any discharge of toxic wastes; any small volume dischargecontaining toxic waste or having numerous discharge points or ground water monitoring; any Class I waste management unit.

Category "B" Any discharger not included above which has physical, chemical, or biological treatment systems (except for septic systems with subsurface disposal), or any Class II or Class III waste management units.

Category "C" Any person for whom waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code not included as a Category "A" or Category "B" as described above. Included would be discharges having no waste treatment systems or that must comply with best management practices, discharges having passive treatment and disposal systems, such as septic systems with subsurface disposal systems, or dischargers having waste storage systems with land disposal.

B. Developer-applicants (dischargers) who own or operate confined animal feedlots, including dairies, shall not be subject to an annual fee. They are required to pay a one-time filing fee of $2,000 which must be submitted to the RWQCB with each report of waste discharge.

C. If waste discharge requirements are waived pursuant to Section 13269 of the Water Code, a refund of the application or filing fee may be made provided the RWQCB withholds sufficient funds to cover actual staff time spent in reviewing the report of waste discharge. The withheld amount shall be calculated using a rate of $50 per hour of staff time. A Notice of Intent (NOI) is considered to be a report of waste discharge.

V. How does the RWQCB Evaluate and Process the Application?

Criteria for Evaluation. The RWQCB evaluates the "Report of Waste Discharge" to determine whether the proposed discharge is consistent with the SWRCB's and the RWQCB's adopted water quality objectives, the Areawide Waste Treatment Management Plan ("208"), and the Water Quality Control Plan (Basin Plan) for the area in which the proposed activity is located, state policies for water quality control, and Chapter 15 regulations, if applicable.

When adopting waste discharge requirements, the RWQCB sets pollutant limits (effluent limitations) or waste containment requirements on each discharge as a condition of approval. The limitations ensure that the discharge will not harm beneficial uses, such as public water supplies, agricultural and industrial water use, wildlife habitats, or any water-related recreational activity.

Procedures. After receiving the "Report of Waste Discharge" and appropriate fee, the Executive Officer of the RWQCB determines whether the application is complete. If incomplete, the Executive Officer requests specific additional information. When the application is complete, the Executive Officer reviews it to determine whether the RWQCB should adopt waste discharge requirements, prohibit the discharge, or waive the requirements.

If the Executive Officer determines that the RWQCB should adopt waste discharge requirements, the Executive Officer directs the staff to prepare these tentative requirements for the project, including proposed effluent limitations, special conditions, and a monitoring program for the discharge.

The requirements may also include a proposed schedule for compliance, if the discharge does not comply with the adopted requirements.

The Executive Officer distributes the tentative waste discharge requirements to people and public agencies with a known interest in the project and others requesting the requirements. The Executive Officer allows these reviewers at least 30 days to submit comments. The Executive Officer permanently files and considers all comments when preparing the final waste discharge requirements.

The RWQCB must hold the public meeting in a location within the region. The Executive Officer notifies interested parties at least 30 days in advance of the public meeting.

At the public meeting, the RWQCB may adopt the tentative waste discharge requirements or modify the requirements before adopting them. Adoption of the waste discharge requirements requires a majority vote of the RWQCB. Waste discharge requirements become effective upon adoption unless the RWQCB sets a different effective date in its order.

The entire process for developing and adopting the requirements normally takes about three months.

Appeals. Anyone wishing to appeal the RWQCB's decision may do so by petitioning the SWRCB within 30 days of the RWQCB's decision. Persons may appeal the RWQCB's decisions to:

State Water Resources Control Board
901 P Street
P.O. Box 100
Sacramento, CA 95812-0100
(9l6) 657-2390

The petition, or appeal request, should include the:

A. Petitioner's name and address;
B. Specific action by the RWQCB which the petitioner is requesting the SWRCB to review;
C. Date on which the RWQCB acted;
D. Reason(s) the action of the RWQCB was inappropriate;
E. Manner in which the petitioner is affected;
F. Specific action the petition requests the SWRCB to take; and,
G. Legal document, known as "Points and Authorities," which discusses the legal issues raised by the petition.

(A complete list of required items is found in Section 2050 of the Title 23 of the California Code of Regulations.)

If the petitioner requests a public hearing, the appeal must state that additional evidence is available which was not presented to the RWQCB or that the RWQCB improperly excluded evidence. The petitioner must include a general statement on the nature of the evidence and the facts to be proven.

If the discharger is not the petitioner, the petitioner must send a copy of the petition to both the discharger and the appropriate RWQCB. When a petition is filed, the SWRCB staff will review it for compliance with the filing requirements. If it is complete, all interested persons will be notified and given 20 days to file a response with the SWRCB. They must send a copy of the response to the RWQCB and petitioner.

The SWRCB may refuse to review the action of the RWQCB, may review the RWQCB's action based upon its records, or may hold its own hearing. If the SWRCB reviews the contested action, it may either deny or modify the petition or direct the RWQCB to take specific action. If the SWRCB holds a public hearing to review the appeal, it notifies the petitioner, the RWQCB, and other appropriate people and agencies.

Persons wishing to appeal a decision are encouraged to telephone the SWRCB (at the above number) first to discuss the petition procedures.

VI. What are the Developer-Applicant's (Discharger's) Rights and Responsibilities After the Permit is Granted?

Rights. All information submitted in a Report of Waste Discharge (or in technical reports) is available to the public unless the person submitting the information identifies trade secrets or proprietary information and justifies the withholding from the public of such information under California law.

Responsibilities. The developer-applicant (discharger) must routinely monitor, according to the RWQCB's directions, wastes or waters to detect if wastes have leaked or impaired beneficial uses. The RWQCB normally requires the discharger to measure the volume of the discharge, the pollutants that must be reduced or eliminated, and the pollutants which the RWQCB deems as having a significant impact on water quality or leachate and water quality related to a solid waste discharge. The RWQCB requires the discharger to keep accurate records of the:

A. Date, place, and time of sampling;
B. Name and address of the person who took the sample;
C. Dates that the analysis was performed, and the name of the individual performing the analysis;
D. Method used to perform the analysis; and,
E. Results of the analysis.

The RWQCB may require each discharger with a monitoring program to submit a periodic report to the RWQCB. The report should summarize the data gathered during that period.

The State Department of Health Services or the Executive Officer of the RWQCB must approve the laboratories used by dischargers for analyzing pollutants. In the event that the discharger does not have access to an approved laboratory, the Executive Officer may modify this requirement. Any modification does not relieve the discharger of the responsibility to conduct an analysis, but makes other laboratories available that are satisfactory to the state.

If the discharger wishes to alter the amount, type, area, or method of disposal of the discharge substantially, the discharger must file a revised "Report of Waste Discharge" with the RWQCB.

If the discharge is subject to the Chapter 15 provisions, the developer-applicant (discharger) must design, construct, monitor, close and conduct post-closure monitoring and maintenance according to the provisions specified in the waste discharge requirements.

VII. What are the SWRCB's and the RWQCB's Rights and Responsibilities After the Waste Discharge Requirements Are Granted?

Rights. The SWRCB or the RWQCB may require the developer-applicant (discharger) to discontinue the discharge if the discharger violates or misrepresents the conditions of the waste discharge requirements. The SWRCB or the RWQCB may either assess civil liability administratively up to $10,000 per day or go to court to seek fines of up to $25,000 per day for violations of the requirements. (Porter-Cologne Act, Sec. 13260)

Responsibilities. The SWRCB and the RWQCBs are responsible for protecting the waters of the state for the use and enjoyment of the people of California.

VIII. What Other Agencies Should the Developer-Applicant (Discharger) Contact?

Dischargers should consider whether any of the agencies listed below must also issue permits for the proposed project:

A. *Local* – city, county, and special district

B. *State* – Air Resources Board
Coastal Commission
Department of Conservation, Division of Oil, Gas, and Geothermal Resources
Department of Fish and Game
Department of Forestry
Department of Health Services
Department of Parks and Recreation
Department of Toxic Substances Control
Department of Water Resources, Division of Safety of Dams
San Francisco Bay Conservation and Development Commission
Integrated Waste Management Board
Reclamation Board
State Lands Commission
Tahoe Regional Planning Agency

C. *Federal* – United States Army Corps of Engineers
United States Environmental Protection Agency (permits for injection wells)
Bureau of Reclamation

Note: See Appendix F for telephone numbers, page 149.

IX. What Other Sources of Information are Available to the Developer-Applicant (Discharger)?

Dischargers may refer to these publications for further information about waste discharge requirements:

A. *The Porter-Cologne Water Quality Act and Related Code Sections*, Division 7 of the California Water Code
B. *California Code of Regulations*, Title 14, Division 30; Title 22; and Title 23, Chapters 3, 4, and 15

The *California Water Code* is generally available for review at county law libraries and the State Library in Sacramento or may be purchased from various legal publishers. Excerpts of the California Code of Regulations may be purchased from:

Barclay Law Publishers
Post Office Box 60000
San Francisco, CA 94160-2021

REGIONAL WATER QUALITY CONTROL BOARDS

Underground Storage of Hazardous Substances Permit

I. Who Needs An Underground Storage of Hazardous Substances Permit?

California underground tank law and the implementing regulations require underground tank owners to obtain permits from local agencies.

Developer-applicants (tank owners) must obtain a permit if they own, operate, or intend to construct an underground storage tank containing a hazardous substance. Generally, any substance that meets the state definition of ignitability, corrosivity, reactivity, and toxicity is a hazardous substance. Any person assuming ownership of a tank containing hazardous substances has 30 days from the date of transfer of ownership to apply for an operating permit. A tank owner must apply to the local agency for an amendment to an existing permit when the following conditions occur:

A. Change of ownership;
B. Storage of substance not listed on the existing permit (excludes a change from one type of motor vehicle fuel to another); and
C. Change in the information provided by the owner in the permit application.

The law also requires a tank owner to apply to the local agency for renewal of a permit once every five years. Some local agencies require annual permit renewals.

II. Where Should the Developer-Applicant (Tank Owner) Apply?

Applications and specific local requirements can be obtained from the local jurisdiction in which the tank is located. (A list of local implementing agencies follows this section.)

III. What Information Should the Developer-Applicant (Tank Owner) Provide?

The application for a permit to operate an underground storage tank, or for renewal of the permit, includes, but is not limited to the following information:

A. A description of the age, size, type, location, uses, and construction of the underground storage tank or tanks;
B. A list of all the hazardous substances which are or will be stored in the underground storage tank or tanks, specifying the hazardous substances for each tank;
C. A description of the monitoring program for the underground tank system;
D. The name and address of the facility at which the underground tank system is located;
E. The name and address of the person, firm, or corporation which owns the underground tank systems, and if different, the name and address of the person who operates the underground tank system;
F. The name of the person making the application;
G. The name and 24-hour phone number of the contact person in the event of an emergency involving the facility; and,
H. If the owner or operator of the underground tank system is a public agency, the name of the supervisor of the division, section, or office which operates the tank.

IV. What Fee Should the Developer-Applicant (Tank Owner) Submit?

Each applicant for a permit to operate an underground tank, or to amend or renew an operating permit, must pay a fee to the local agency. This fee usually includes the local agency's fee and the State Water Resources Control Board's (SWRCB) surcharge. Most local agencies also charge an annual operating fee. The SWRCB's surcharge is due once every five years or when the permit is amended. Local fees vary and the local agency will inform the permit applicant of the amount due. As agencies become certified to implement the Unified Program, they will be required to institute a single fee system that replaces these fees.

V. How Does the Local Agency Process the Application?

The applicant must contact the local agency for specific details about the permit application process.

Section 25299.1 of the Health and Safety Code provides that local agencies must implement Chapter 6.7 of the Health and Safety Code and the regulations adopted by the SWRCB. Section 25299.2 allows local agencies to adopt more stringent requirements than those contained in state law and regulations.

The SWRCB adopted regulations which prescribes monitoring and construction standards for underground storage tanks.

VI. What Are the Developer-Applicant's (Tank Owner's) Rights and Responsibilities After the Approval is Given?

Responsibilities:

A. ***Tank Testing:*** The SWRCB's regulations require annual tank testing, when tank testing is used along with another monitoring technique.

B. ***Record-keeping and Reporting:***
   1. A tank owner/operator who uses daily gauging or inventory reconciliation as part of his monitoring system must keep records of his readings for three years and make them available for review by the local agency.
   2. Each tank owner/operator must notify the local agency of any changes to the permit application within 30 calendar days after the change, unless required to obtain approval before making the changes.
   3. A leak or spill from the primary containment into the secondary containment which the operator can cleanup within 8 hours shall be recorded on the operator's monitoring reports.
   4. Any leak or spill into the environment must be reported by the operator to the local agency within 24 hours. The operator must submit a written report on a leak report form provided by the local agency within five days of the leak or spill.

C. ***Tank Closures:*** In order for a tank to be closed in place, the owner must demonstrate that:
   1. All hazardous substances have been removed from the tank;
   2. The tank is filled with an inert solid;
   3. The tank is sealed;
   4. There is no significant soil contamination surrounding the tank; and,
   5. The tank will be maintained for as long as the local agency requires.

D. ***Leaks or Spills:*** In the event of a leak or spill from a tank containing motor vehicle fuel, a permit holder:
   1. May repair the tank once by an interior coating process under the following conditions:
      a. the tank must be tested for thickness;
      b. the material used to repair the tank must be compatible with the stored substance;
      c. the material used to repair the tank by interior coating is approved by an independent testing organization and applied following nationally recognized engineering practices; and,
      d. the tank must be tested before being placed back into service.
   2. Must record or report the spill [see Section VI(B) above].
   3. Must cleanup any spill.

E. ***Failure to Comply:*** An operator of an underground storage tank is liable for a civil penalty of $500 to $5,000 per day for failing to take certain actions concerning permitting, monitoring, maintaining records, compliance, and closure of an underground tank. A person falsifying reports or failing to file the unauthorized release report is subject to a fine of $5,000 to $10,000, or imprisonment in the county jail for up to one year, or both.

Rights:

A. A permit applicant who believes that information submitted on the permit application form constitutes a trade secret as defined in Section 25290(a) of the Health and Safety Code must identify the trade secret information when submitting an application for a permit and submit legal justification for the report of confidentiality.

B. If the local agency, by ordinance, exempts persons storing trade secret substances from listing those substances on their permit application, the persons storing that substance shall send the list of trade secret substances directly to the SWRCB, bypassing the local agency.

VII. What Are the Local Agency's Rights and Responsibilities After Granting the Permit?

The applicant is advised to review the local ordinance to ascertain the agency rights and responsibilities, as these may vary.

VIII. What Other Agencies Should the Developer-Applicant (Tank Owner) Contact?

Developer-applicants should discuss the application with the local jurisdiction or the lead agency to determine the relationships of any other agencies.

IX. What Other Sources of Information are Available to the Developer-Applicant (Tank Owner)?

Developer-applicants (tank owners) may refer to the following publications for further information:

A. *California Code of Regulations,* Title 23, Division 3, Chapter 16.
B. *Health and Safety Code,* Section 25280 et seq.
C. "Don't Wait Until 1998," SCRCB

These publications are generally available for review at county law libraries and the State Library in Sacramento. Excerpts from the California Code of Regulations may be purchased from:

Barclay Law Publishers
File Number 42021
Post Office Box 60000, San Francisco, CA 94160-2021.

The "Don't Wait Until 1998" booklet is available from:

State Water Resources Control Board
Division of Clean Water Programs
Underground Storage Tank Program
Post Office Box 944212
Sacramento, CA 94244-2120
(916) 227-4303

CA Regional Water Quality Control Board Offices

North Coast Region
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403
(707) 576-2220
Fax (707) 523-0135

San Francisco Bay Region
2101 Webster Street, Suite 500
Oakland, CA 94612
(510) 286-1255
Fax (510) 286-1380

Central Coast Region
81 Higuera Street, Suite 200
San Luis Obispo, CA 93401-5427
(805) 549-3147
Fax (805) 543-0397

Los Angeles Region
101 Centre Plaza Drive
Monterey Park, CA 91754-2156
(213) 266-7500
Fax (213) 266-7600

Central Valley Region
3443 Routier Road, Suite A
Sacramento, CA 95827-3098
(916) 255-3000
Fax (916) 255-3015

Fresno Branch Office
3514 East Ashlan Avenue
Fresno, CA 93726
(209) 445-5116
Fax (209) 445-5910

Redding Branch Office
415 Knollcrest Drive
Redding, CA 96002
(916) 224-4845
Fax (916) 224-4857

Lahontan Region
2092 Lake Tahoe Blvd., Suite 2
South Lake Tahoe, CA 96150
(916) 542- 5400
Fax (916) 544-2271

Victorville Branch Office
15428 Civic Drive, Suite 100
Victorville, CA 92392-2383
(619) 241-6583
Fax (619) 241-7308

Colorado River Basin Region
73-720 Fred Waring Drive,
Suite 100
Palm Desert, CA 92260
(619) 346-7491
Fax (619) 341-6820

Santa Ana Region
3737 Main St., Suite 500
Riverside, CA 92501-3339
(909) 782-4130
Fax (909) 781-6288

San Diego Region
9771 Clairemont Mesa Blvd.,
Suite A
San Diego, CA 92124
(619) 467-2952
Fax (619) 571-6972

State Water Resources Control Board
Underground Tank Program

Local Implementing Agencies

City of Anaheim
Deputy Fire Marshal
Fire Prevention Division, Underground Tank Section
201 S Anaheim Blvd, Rm. 300
Anaheim, CA 92805-3820
(714) 254-4050 Fax (714) 254-4008

City of Bakersfield
Hazardous Materials Coordinator
Bakersfield City Fire Department
1715 Chester Ave., 3rd F1.
Bakersfield, CA 93301
(805) 326-3979 Fax: (805) 326-0576

City of Berkeley
Emergency Toxics Coordinator
Toxics Program Division/O.S.C.S.
2065 Kittredge St., Suite K
Berkeley, CA 94704
(510) 644-7719 Fax: (510) 644-7708

City of Burbank
Burbank Fire Department
353 East Olive Avenue
Burbank, CA 91502
(818) 238-3473 Fax: (818) 238-3483

City of Campbell
Central Fire Protection District
Fire Prevention Department
14700 Winchester Blvd.
Los Gatos, CA 95030-1818
(408) 378-4010 Fax: (408) 378-9342

City of Cupertino
Central Fire Protection District
Fire Prevention Department
14700 Winchester Blvd.
Los Gatos, CA 95030- 1818
(408) 378-4010 Fax: (408) 378-9342

City of Fremont
Fire Marshal
Fremont Fire Prevention Bureau
P.O. Box 5006
Fremont, CA 94537-5006
(510) 494-4279 Fax: (510) 494-4822

City of Fullerton
Underground Tanks Specialist
Fire Department, U.S.T. Section
312 E. Commonwealth Ave.
Fullerton, CA 92632
(714) 738-3160 Fax: (714) 738-5355

City of Gilroy
Chemical Control Supervisor
7351 Rosanna St.
City Hall
Gilroy, CA 95020
(408) 848-0430

City of Glendale
Hazardous Materials Supervisor
Glendale Fire Department
780 Flower Street
Glendale, CA 91201-3057
(818) 548-4030 Fax: (818) 549-9777

City of Hayward
Hazardous Materials Coordinator
Hayward Fire Department
25151 Clawiter Road
Hayward, CA 94545-2731
(510) 293-8695

City of Healdsburg
Fire Chief
Healdsburg Fire Department
601 Healdsburg Ave.
Healdsburg, CA 95448
(707) 431-3360

City of Hesperia
Fire Prevention Officer
Hesperia Fire Prevention Department
17288 Olive Street
Hesperia, CA 92345
(619) 947-1603 Fax: (619) 244-9174

City of Hollister
Environmental Services Director
Environmental Services Department
395 Apollo Court
Hollister, CA 95025
(408) 636-4330

City of Long Beach
Captain - UST Program Manager
Long Beach Fire Department
925 Harbor Plaza, Ste. 100
Long Beach, CA 90802
(310) 590-2560 Fax: (310) 590-2566

City of Los Angeles
Bureau of Fire Prevention & Public Safety
City Hall East - UST Section
200 North Main St, Rm 920
Los Angeles, CA 90012
(213) 237-0605 Fax: (213) 237-0321

City of Los Gatos
Hazardous Materials Specialist
Central Fire District
14700 Winchester Blvd.
Los Gatos, CA 95030-1818
(408) 378-4010 Fax (408) 378-9342

City of Milpitas
Assistant Fire Marshall, Hazardous Material Program
Milpitas Fire Department
777 S Main Street
Milpitas, CA 95035
(408) 942-2389

City of Morgan Hill
Senior Hazardous Materials Specialist
Fire Prevention Department
14700 Winchester Blvd.
Los Gatos, CA 95037
(408) 378-4010 Fax: (408) 378-9342

City of Mountain View
Hazardous Materials Manager
Mountain View Fire Department
1000 Villa Street
Mountain View, CA 94041
(415) 903-6378

City of Newark
Hazardous Materials Specialist
Newark Fire Department
37101 Newark Blvd.
Newark, CA 94560
(510) 790-7254 Fax: (510) 790-7281

City of Orange
Hazardous Materials Specialist
Orange Fire Department
176 South Grand Street
Orange, CA 92666
(714) 288-2541 Fax: (714) 997-3281

City of Oroville
Fire Prevention Operator
Oroville Fire Department
2055 Lincoln Street
Oroville, CA 95966
(916) 538-2487 Fax: (916) 538-2409

City of Palo Alto
Hazardous Materials Specialist
Palo Alto Fire Department
250 Hamilton Avenue
Palo Alto, CA 94301
(415) 329-2184

City of Pasadena
Hazardous Mat. Specialist
Pasadena Fire Department
199 S Los Robles, #550
Pasadena, CA 91101
(818) 405-4115 Fax: (818) 585-9164

City of Pleasanton
Batallion Chief
Pleasanton Fire Department
P.O. Box 520
Pleasanton, CA 94566-0802
(510) 484-8114 Fax: (510) 484-8178

City of Roseville
Life Safety Hazardous Mat. Officer
Roseville Fire Department
401 Oak Street, #402
Roseville, CA 95678
(916) 774-5805 Fax: (916) 774-5810

City of Sacramento
Deputy Chief
Sacramento City Fire Department
1231 I Street, Ste. 401
Sacramento, CA 95814-2979
(916) 264-5266

City of San Jose
Hazardous Materials Program Manager
City of San Jose
4 North 2nd Street, # 1100
San Jose, CA 95113
(408) 277-4659

City of San Leandro
Hazardous Materials Coordinator
San Leandro Fire Department
901 East 14th Street
San Leandro, CA 94577
(510) 577-3331 Fax: (510) 577-3295

City of San Luis Obispo
Underground Tank Inspector
City Fire Department
748 Pismo Street
San Luis Obispo, CA 93401
(805) 781-7380 Fax: (805) 543-8019

City of San Rafael
Deputy Fire Marshall
San Rafael Fire Department
1039 C Street.
San Rafael, CA 94901
(415) 485-3308

City of Santa Ana
Underground Tank Coordinator
Santa Ana Fire Department
1439 South Broadway
Santa Ana, CA 92707
(714) 647-5700 Fax: (714) 647-5779

City of Santa Clara
Chemical Specialist
Santa Clara Fire Department
777 Benton Street
Santa Clara, CA 95050
(408) 984-3084

City of Santa Monica
Environmental Coordinator
Environmental Programs Division
200 Santa Monica Pier, #E
Santa Monica, CA 90401
(310) 458-8227 Fax: (310) 393-1279

City of Santa Rosa
Fire Marshal
Santa Rosa Fire Department
955 Sonoma Avenue
Santa Rosa, CA 95404
(707) 524-5311 Fax: (707) 524-5070

City of Scotts Valley
Hazardous Materials Officer
Scotts Valley Fire Dist.
7 Erba Lane
Scotts Valley, CA 95066
(408) 438-0211

City of Seaside
Hazardous Material Specialist
Seaside Fire Department
1635 Broadway Avenue
Seaside, CA 93955
(408) 899-6262

City of Sebastopol
Acting Fire Chief
Fire Department
7425 Bodega Ave.
Sebastopol, CA 95472
(707) 823-8061

City of Sunnyvale
Sr. Hazardous Materials Specialist
Department of Pub. Safety
700 All America Way
Sunnyvale, CA 94086
(408) 730-7212

City of Torrance
Hazardous Materials Specialist
Fire Prevention Division
3031 Torrance Boulevard
Torrance, CA 90503
(310) 618-2973 Fax: (310) 781-7506

City of Union City
Hazardous Materials Program Coordinator
Fire Department
34009 Alvarado-Niles Road
Union City, CA 94587
(510) 471-1424 Fax: (510) 475-7318

City of Vallejo
Inspector
Fire Department
703 Curtola Parkway
Vallejo, CA 94590
(707) 648-4565

City of Ventura
Hazardous Materials Officer
Ventura Fire Department
501 Poli St.
Ventura, CA 93002
(805) 658-4711 Fax: (805) 658-9335

City of Vernon
Director
Environmental Health
4305 Santa Fe Avenue
Vernon, CA 90058
(213) 583-8811 Fax: (213) 583-4451

City of Victorville
Fire Prevention Specialist
Victorville Fire Department
14343 Civic Drive
Victorville, CA 92392
(619) 955-5229

City of Watsonville
Assistant Chief
Fire Department
115 Second Street
Watsonville, CA 95076
(408) 728-6062

County of Alameda
Hazardous Material Division
Department of Environmental Health
1131 Harbor Parkway, Rm. 250
Alameda, CA 94502-6577
(510) 567-6713 Fax: (510) 337-9335

County of Alpine
Environmental Health Specialist II
Alpine Co. Health Department
P.O. Box 545
Markleeville, CA 96120
(916) 694-2146 Fax: (916) 694-2770

County of Amador
Underground Tank Coordinator
Environmental Health Division
500 Argonaut Lane
Jackson, CA 95642
(209) 223-6439 Fax: (209) 223-6228

County of Butte
Program Manager
Environmental Health Division
1469 Humboldt Road
Chico, CA 95928
(916)891-2727 Fax: (916)895-6512

County of Calaveras
Director
Environmental Health Dept.
Govt Center, 891 Mountain Ranch Rd
San Andreas, CA 95249
(209) 754-6399 Fax (209) 754-6722

County of Colusa
Environmental Health Specialist
Environmental Health
P.O. Box 610
Colusa, CA 95932
(916) 458-0397 Fax: (916) 458-4136

County of Contra Costa
Deputy Director
Occupational Health/Hazardous Materials
4333 Pacheco Boulevard
Martinez, CA 94553
(510) 646-2286

County of Del Norte
Environmental Health Specialist II
Department of Public Health
909 Highway 101 North
Crescent City, CA 95531
(707) 464-7227 Fax: (707) 465-4573

County of El Dorado
Senior Environmental Health Specialist
Department of Env. Health Management
2X50 Fairlane Court
Placerville, CA 95667
(916) 621-5307 Fax: (916) 642-1531

County of Fresno
Division Manager
Environmental Health System
P.O. Box 11867
Fresno, CA 93775
(800) 742-1011 Fax: (209) 445-3379

County of Glenn
Sr. Air Pollution Specialist
Air Pollution Control District
P.O. Box 351
Willows, CA 95988
(916) 934-6500

County of Humboldt
Supv Environmental Health Specialist
Environmental Health Division
100 H St., Suite 100
Eureka, CA 95501
(707) 441-2002 Fax: (707) 441-5699

County of Imperial
Planning Director
Planning & Building Insp. Dept
939 Main Street
El Centro, CA 92243
(619) 339-4236 Fax: (619) 353-8338

County of Inyo
Director
Environmental Health
P.O. Box 427
Independence, CA 93526
(619) 878-2411 Fax: (619) 872-2712

County of Kern
Hazardous Materials Specialist
Environmental Health
2700 M Street, Suite 300
Bakersfield, CA 93301
(805) 862-8700 Fax: (805) 862-8701

County of Kings
Director
Division of Environmental Services
330 Campus Drive
Hanford, CA 93230
(209) 584-1411 Fax: (209) 584-6040

County of Lake
Hazardous Materials Specialist
Lake County Environ Health Division
922 Bevins Court
Lakeport, CA 95453
(707) 263-2222

County of Lassen
Agricultural Commission
Lassen Co. Dept of Agriculture
175 Russell Avenue
Susanville, CA 96130
(916) 257-8311

County of Los Angeles
Industrial Waste Planning & Control
Waste Management Division
P.O. Box 1460
Alhambra, CA 91802- 1460
(818) 458-3539 Fax: (818) 458-3569

County of Madera
Underground Tank Program Manager
Environmental Health
135 West Yosemite Avenue
Madera, CA 93637
(209) 675-7823

County of Marin
Office of Waste Management
Hazardous Materials Specialist
10 N. San Pedro Rd., Suite 1022
San Rafael, CA 94903-4155
(415) 499-6647 Fax: (415) 499-6510

County of Mariposa
Environmental Health Specialist
Mariposa Co. Health Department
P.O. Box 5
Mariposa, CA 95338
(209) 966-0200

County of Mendocino
Supvr. Hazardous Material Specialist
Environmental Health
880 N. Bush St.
Ukiah, CA 95482
(707) 463-4466

County of Merced
Sr. Environmental Health
385 East 13th Street, P.O. Box 471
Merced, CA 95340
(209) 385-7391

County of Modoc
Agriculture Commissioner
Agriculture Commission
202 West 4th Street
Alturas, CA 96101
(916) 233-6401

County of Mono
Environmental Health Specialist 3
Mono County Health Department
P.O. Box 476
Bridgeport, CA 93517
(619) 932-7484 Fax: (619) 932-5284

County of Monterey
Hazardous Materials Program Supervisor
Environmental Health
1270 Natividad Road, Rt. 301
Salinas, CA 93906
(408) 755-4541

County of Monterey
Hazardous Materials Specialist
Hazardous Materials Section
1200 Aguajito Road
Monterey CA 93940
(408) 647-7654

County of Napa
Environmental Health Manager
Hazardous Materials Section 1195
Third St., Room 101 Napa, CA 94559
(707) 253-4269 Fax: (707) 253-4545

County of Nevada
Hazardous Materials
Division Supervisor
Nevada Co. Health Department
950 Maidu Avenue Nevada City, CA
95959 (916) 265-1452

County of Orange
Assistant Director Environmental Health
2009 East Edinger Avenue
Santa Ana, CA 92705
(714) 667-3773 Fax: (714) 972-0749

County of Placer
Supervisor, Hazardous Materials Section
Division of Environmental Health
11454 B Avenue
Auburn, CA 95603
(916) 889-7335 Fax: (916) 889-7370

County of Plumas
Environmental Health Specialist
Environmental Health Section
P.O. Box 480
Quincy, CA 95971
(916) 283-6355 Fax: (916) 283-6241

County of Riverside
Supervising Hazardous Materials Spec.
Environmental Health
4065 County Circle Dr.
Riverside, CA 92513
(909) 358-5055 Fax: (909) 358-5017

County of Sacramento
Hazardous Materials Division Chief
Environmental Management Department
8475 Jackson Road, Suite 230
Sacramento, CA 95826
(916) 386-6160

County of San Benito
Sanitarian
Health Department
111 San Felipe Rd., Suite 101
Hollister, CA 95023
(408) 637-5367 Fax: (408) 637-9073

County of San Bernardino
Environmental Specialist
Department of Environmental Health Services
385 North Arrowhead
San Bernardino, CA 92415-0160
(714) 387-3080 Fax: (714) 387-4323

County of San Diego
Chief of Hazardous Materials Management Division
Environmental Health Services
1255 Imperial Avenue
San Diego, CA 92101 -5261
(619) 338-2395 Fax: (619) 441-6656

County of San Francisco
Department of Public Health
Bureau of Toxic Health & Safety Services
101 Grove Street, Room 220
San Francisco, CA 94102
(415) 554-2775 Fax (415) 554-2772

County of San Joaquin
Program Manager
Environmental Health Division
P.O. Box 388
Stockton, CA 95201-0338
(209) 468-3420 Fax: (209) 464-0138

County of San Luis Obispo
Hazardous Materials Coordinator
Environmental Health
P.O. Box 1489
San Luis Obispo, CA 93406
(805) 781-5544 Fax: (805) 781-4211

County of San Mateo
UST Program Manager
Environmental Health
590 Hamilton Street, 4th Floor
Redwood City, CA 94063
(415) 363-4565 Fax: 363-7882

County of Santa Barbara
Program Manager
Protective Services Division
4410 Cathedral Oaks Rd.
Santa Barbara, CA 93110
(805) 681-4044 Fax: (805) 681-4901

County of Santa Clara
Supv. Hazardous Material Specialist
Health Department-Toxics
2220 Moorpark Avenue
San Jose, CA 95128
(408) 299-6930

County of Santa Cruz
Program Manager
Environmental Health
701 Ocean Street, Room 312
Santa Cruz, CA 95060
(408) 454-2002

County of Shasta
Deputy Director
Environmental Health
1640 West Street
Redding, CA 96001
(916) 225-5787

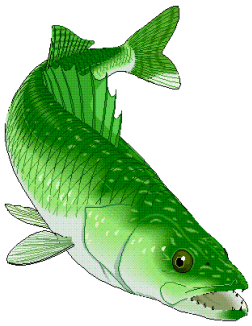
County of Sierra
Environmental Health Specialist
Health Department
P.O. Box 7
Loyalton, CA 96118
(916) 993-6700

County of Siskiyou
Director
Environmental Health Department
806 South Main Street
Yreka, CA 96097
(916) 842-8230 Fax: (916) 842-8239

County of Solano
Program Manager
Solano Co. Environmental Health Services
601 Texas Street
Fairfield, CA 94533
(707) 421 -6770

County of Sonoma
Supv. Environmental Health Spec.
Sonoma Co. Department of Pub. Health.
1030 Center Drive., Suite A
Santa Rosa, CA 95403
(707)525-6560

County of Stanislaus
Program Manager
Dept of Environmental Research - Hazardous Materials Division
1716 Morgan Road
Modesto, CA 95351



DEPARTMENT OF FISH AND GAME (DFG)

Lake Or Streambed Alteration Agreements

I. Who Needs a Lake Or Streambed Alteration Agreement?

Any person, governmental agency, or public utility proposing any activity that will divert or obstruct the natural flow or change the bed, channel or bank of any river, stream, or lake, or proposing to use any material from a streambed, must first notify the Department of such proposed activity. Based on the information contained in the notification form and a possible field inspection, the Department may propose reasonable modifications in the proposed construction as would allow for the protection of the fish and wildlife resources. Upon request, the parties may meet to discuss these modifications. If the parties cannot agree and execute a Lake or Streambed Alteration Agreement, then the matter may be referred to arbitration.

Generally speaking, the notification requirement applies to any work undertaken within the annual high-water mark of a wash, stream, or lake which contains or once contained fish and wildlife or supports or once supported riparian vegetation.

II. Where Should the Developer-Applicant Submit Notifications?

Applicants should direct inquires and notifications (applications) for proposed lake/streambed alterations to the regional Fish and Game office in the area where the proposed project is located.

III. What Information Should the Developer-Applicant Provide Upon the Notification (Application)?

Applicants should provide the following information on form FG 2023, "Notification of Removal of Materials and/or Alteration of Lake, River, or Streambed Bottom or Margin" available at any regional Fish and Game office:

A. Name, address, and phone number of the developer-applicant, agent, property owner, and responsible operator, if applicable;
B. Proposed date to begin the activity;
C. Name of the stream, river or lake the project affects, and the name of the body of water to which the source is tributary;
D. Location of project by section, township, range, county, county assessor's parcel number, distance and direction to local landmarks;
E. Name, address, and telephone number of property owner;
F. Nature of the proposed activity, such as sand, soil, gravel, or boulder removal or displacement; mining, road construction (bridges and stream crossings), dredging, logging, dam construction, or water diversion or impoundment; and levee or channel construction;
G. Effects of the activity, including type of soil to be removed, type of equipment, amount of water to be used, effects of water use on the streambed, amount and type of material to be deposited in the stream or lake, and type and amount of vegetation affected;
H. A copy of any fish, wildlife, or habitat mitigation plan(s) already prepared for your project.
I. For state-designated wild and scenic rivers, a determination of the project's consistency with the California Wild and Scenic Rivers Act must be made by the Secretary for Resources. Until the Secretary determines the project is consistent with the Act, the Department cannot issue a valid agreement. A tentative agreement will be issued, conditioned upon a finding of consistency by the Resources Secretary.

J. Certification of compliance with the California Environmental Quality Act (CEQA); i.e., submit a copy of the Notice of Determination along with a complete copy of the Negative Declaration or certified Environmental Impact Report (EIR), or documentation that the project is exempt from CEQA (Notice of Exemption);
K. Specific plans detailing the proposed modification of the river, stream, or lake, (i.e., specific detailed designs of all levees, culverts, bridges, channels, etc.);
L. A map showing the project location in enough detail so that persons unfamiliar with the area can readily locate the site;
M. Documented compliance with the state Endangered Species Act. This may include verification from the local Fish and Game office or a Department-certified Biologist that no State-listed threatened or endangered species are known to inhabit the proposed project area, or documentation from the Department that the proposed project will result in a net benefit to any impacted threatened or endangered species;
N. Copies of local, City, County, or other permit conditions;
O. Appropriate notification fee, as determined from the following Schedule of Fees.

IV. What Notification (Application) Fee Must the Developer-Applicant Submit?

The Department of Fish and Game charges an application fee for Lake or Streambed Alteration Agreements according to the following schedule of fees pursuant to Section 699.5, Title 14, California Code of Regulations (effective May 14, 1992). Fees are subject to annual change based on the inflationary index.

Title 14, California Code of Regulations, Section 699.5
Fees for Lake/Streambed Alteration Agreements
(Effective May 14, 1992)

(a) *1601 Applications (from Public Agencies)* - $132.00 non- refundable application fee, plus:
  (1) No additional fee for projects costing less than $25,000.
  (2) $530.00 additional processing fee for projects costing from $25,000 to $500,000.
  (3) $1059.00 additional processing fee for projects costing over $500,000.
(b) *1601 Routine Maintenance Activities (public agencies) if performed under a Memorandum of Understanding with the Department of Fish and Game:*
  (1) $111.00 each for the first 20 maintenance projects.
  (2) $88.00 each for the second 20 maintenance projects.
  (3) $67.00 each for maintenance project in excess of 40.
  (4) Projects under this subsection pertain to those waterways under prior 1601 agreement upon which public agencies propose to perform routine maintenance; to be submitted at least 30 days prior to commencement of work.
(c) *1603 Applications (private) excluding commercial gravel operations and timber harvest* - $132.00 non-refundable application fee, plus:
  (1) No additional fee for private individuals who do the work themselves or projects costing less than $25,000.
  (2) $530.00 additional processing fee for projects costing $25,000 to $500,000.
  (3) $1,059.00 additional processing fee for projects costing over $500,000.
(d) *1603 Applications - Commercial Gravel Operations*
  (1) $530.00 fee per application.
(e) *1603/1606 Applications - Timber Harvest*
  (1) $530.00 fee per application with 1 or 2 stream encroachments.
  (2) $662.00 fee per application with 3 or 4 stream encroachments.
  (3) $794.00 fee per application with 5 to 9 stream encroachments.
  (4) $883.00 fee per application with 10 or more stream encroachments.
(f) *One year time extensions for 1601/1603 agreements, excluding gravel operations, if the project has not changed.*
  (1) $109.00 fee per application for renewal of a one-year extension.

Fees subject to change.

(2) For the purpose of this subsection, extensions include those agreements which expire before completion of the project and which have no changes in the work described in the original agreement. If the agreement expires prior to a request for an extension, a new notification will be required and all appropriate fees will be charged.

(g) *Amendments to 1601/1603 existing agreements:*
(1) 50% of the fee of the existing agreement.

(h) *Unusual Project Applications.* Public or private projects which are unusually extensive and/or protracted, including but not limited to projects that (1) involve more than one departmental administrative region, or (2) involve more than 15 streams (excluding timber harvest applications), shall be charged fees under the following provisions:
(1) The project sponsor shall submit the appropriate application fee required in the above fee schedule. Should this application fee be insufficient to defer the department's costs, then the department and the project sponsor shall arrange for a billing schedule to recover the department's additional project-related costs.

Note: *Authority cited: Section 1607, Fish and Game Code*
Reference: Section 1607, Fish and Game Code

V. How Does the Department Evaluate and Process a Notification?

Criteria for Evaluation. The Department of Fish and Game bases evaluation of a Notification of a proposed lake/streambed alteration on the anticipated impact of the proposed project on fish and wildlife resources. Consequently, the Department will write the Lake/Streambed Alteration Agreement with terms and conditions designed to protect and/or compensate for these resources.

Procedures. Applicants should submit a completed form FG 2023 to the appropriate regional Fish and Game office. The regional office then assigns the application to a local warden.

The warden determines whether an on-site inspection is necessary in order to suggest modifications or conditions for the Agreement. The warden may conduct the inspection with the applicant and, when appropriate, with district fishery and wildlife biologists. The biologists may attend the inspection and provide recommendations or modifications for projects that could cause environmental damage or threaten fish or wildlife resources.

While the warden may request additional information, he or she must make recommendations on the proposed activity to the applicant within 30 days of receipt of the completed form FG 2023, unless extended by mutual agreement.

After the inspection, the warden may suggest modifications and mitigation measures to protect fish and wildlife in the project area. If the applicant is not present during the inspection, the warden sends suggested modifications to the applicant, together with a description of the fish and wildlife resources affected by the project. The applicant has 14 days to accept or deny these modifications. This time may be extended by mutual agreement.

Upon agreeing to the warden's proposed project modifications, the developer-applicant signs the Agreement and returns it to the warden. If rejecting the warden's modifications, the developer-applicant must state the reasons in writing or request a meeting with the warden. When the developer-applicant and the Department agree to project modifications, they sign the Stream or Lake Alteration Agreement and the applicant may begin the approved project. Applicants who withdraw their projects are refunded any fee in excess of the non-refundable portion as indicated in the Schedule of Fees (Section 699.5, title 14, California Code of Regulations).

Arbitration. If, after negotiations, the applicant does not agree to the modification, the Department and the applicant must establish an arbitration panel within seven days of the applicant's response. The panel consists of a representative of the Department, the applicant or representative, and a neutral chairman selected with the approval of both. Within 14 days of establishment of the arbitration panel, the panel must complete its work, unless all parties agree to an extension of time. The panel may settle disagreements and make binding decisions concerning the proposed modifications.

VI. What are the Developer-Applicant's Rights and Responsibilities After an Agreement is Approved?

Rights. The developer-applicant may proceed with an activity, but only according to the conditions of an approved Lake/Streambed Alteration Agreement. If the Department fails to act within 30 days of the receipt of a completed notification, the developer-applicant may commence with the activity as proposed in the notification.

Responsibilities. The developer-applicant must allow the Department of Fish and Game to inspect the project at any time. In addition, the developer-applicant must submit a new application to the regional Fish and Game office when the activity differs from the work approved under the original Agreement. The developer-applicant may not undertake new activities without a new or modified Agreement.

The developer-applicant must respond in writing within 14 days of receiving the Department's proposals unless this period is extended by mutual agreement.

It is unlawful for any person to commence any activity in a lake or stream until the Department has found the activity will not substantially adversely affect an existing fish or wildlife resource or until a Lake/Streambed Alteration Agreement is approved.

VII. What are the Department's Rights and Responsibilities After the Agreement is Approved?

Rights. The Department may impose additional conditions on the Agreement in the event that the project impairs the physical condition of the project area or if the operations change.

Responsibilities. The Department of Fish and Game is a trustee agency for the fish and wildlife resources of the state.

The Department must respond to a complete Notification within 30 days of receipt or within a time determined by mutual written agreement.

Procedure. The Department may defer entering into a signed agreement until the environmental or permit review process by a Lead or a Regulatory Agency is completed. The Department urges applicants to enter into early consultation to attempt to resolve all issues at the earliest possible time.

VIII. What other Agencies Should the Developer-Applicant Contact?

Developer-applicants should consider whether the agencies listed below must issue permits for the proposed activity:

A. *Local* - city, county, or special district

B. *State* - Department of Forestry
Regional Water Quality Control Board
The Reclamation Board
Coastal Commission
State Lands Commission
State Water Resources Control Board
Department of Water Resources, Division of Safety of Dams, Division of Water Rights

C. *Federal* - Army Corps of Engineers
Forest Service
Fish and Wildlife Service
National Park Service

IX. What other sources of Information are Available to the Developer-Applicant.

Developer-applicants may refer to the *California Fish and Game Code* Sections l600 through l607 for the Department's legal authority to enter into Stream and Lake Alteration Agreements. *The Fish and Game Code* is generally available at any regional Fish and Game office, county law libraries, or the State Library in Sacramento.

Department of Fish and Game District Offices

State Headquarters
1418 Ninth Street, 12th Floor
Sacramento, CA 95814
(916) 653-7664
Fax (916) 653-1856

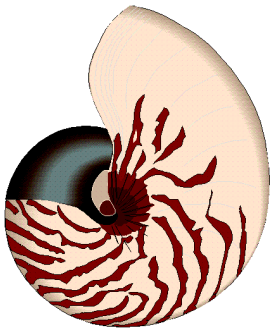
Central Valley District
1701 Nimbus Road
Rancho Cordova, CA 95870
(916) 355-0978
Fax (916) 355-7102

Bay Area District
1234 East Shaw Avenue
Fresno, CA 93710
(209) 222-3761
Fax (209) 445-6426

Northeast District
601 Locust
Redding, CA 98001
(916) 225-2300
Fax (916) 225-2381

Napa Valley District
7829 Silverado Trail (94588)
P.O. Box 47 (94500)
Napa, CA 94558
(707) 944-5500
Fax (707) 944-5563

Southern District
330 Golden Shore, Suite 50
Long Beach, CA 90602
(310) 590-5132
Fax (310) 570-5193



CALIFORNIA COASTAL COMMISSION

Coastal Development Permit

I. Who Needs a Coastal Development Permit?

Any person or public agency proposing development within the coastal zone must obtain a Coastal Development Permit from either the Coastal Commission or the city or county having authority to issue coastal development permits. In general, the coastal zone extends from the State's three-mile seaward limit to an average of approximately 1,000 yards inland from the mean high tide of the sea. In coastal estuaries, watersheds, wildlife habitats, and recreational areas, the coastal zone may extend as much as five miles inland. In developed urban areas, the coastal zone may extend inland less than 1,000 yards from the mean high tide of the sea. The coastal zone does not include areas over which the San Francisco Bay Conservation and Development Commission (BCDC) has permit authority. (See the entry for BCDC.)

A development is broadly defined and includes, for example, such things as subdivisions and other changes in the density or intensity of use of land or water. The activities listed below are generally exempt from the Coastal Commission's permit requirements except for those projects that pose a risk of substantial adverse environmental impact:

A. Improvements to existing single-family residences;
B. Repair or maintenance dredging of less than 100,000 cubic yards in existing navigational channels;
C. Repair or maintenance that will not enlarge an existing structure;
D. Installation, testing, or replacement of necessary utility connections for developments approved by the Commission;
E. Construction of development projects in categories that the Commission has determined will not harm coastal resources or public access to the coast;
F. The replacement of any structure (except public works facilities) which is destroyed by a disaster;
G. The conversion of an existing multiple-unit residential structure to a time-share project; and,
H. Any project that has obtained an acknowledgment of vested rights under the California Coastal Zone Conservation Act of 1972 or the California Coastal Act of 1976. This exemption applies only if the developer-applicant has not substantially changed the project.

II. Where Should Developer-Applicants Apply?

Developer-Applicants should direct inquires and applications to the city or county where the project site is located and to the District Office of the Coastal Commission for the area in which the proposed project is located.

DISTRICT OFFICES ***North Coast District***

Steve Scholl, District Director

North Coast Area and
North Central Coast Area Office
Steve Scholl, Dist. Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
(415) 904-5260

Counties: Del Norte, Humboldt, Mendocino Sonoma, San Francisco, Marin, and incorporated area of San Mateo

Central Coast District

Tami Grove, District Director

Central Coast Area Office
Les Strnad, Dist. Director
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
(408) 427-4863
Counties: Monterey, unincorporated
San Mateo,Santa Cruz, and San Luis Obispo

South Central Coast Area Office
Gary Timm, Asst. Dist. Director
89 S. California St., Suite 200
Ventura, CA 93001-2801
(805) 641-0142
Counties: Santa Barbara, Ventura, and
City of Malibu and unincorporated area of
Santa Monica Mountains (including Topanga)
Los Angeles County

South Coast District
Chuck Damm, District Director

South Coast Area Office
Teresa Henry, Asst. Dist. Director
245 West Broadway, Suite 380
Long Beach, CA 90802-4416
(310) 590-5071
Counties: Orange and Los Angeles (except above noted areas)

San Diego Coast Area Office
Deborah Lee, Asst. Dist. Director
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108-1725
(619) 521-8036
County: San Diego

HEADQUARTERS OFFICE
Peter Douglas, Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
(415) 904-5200

The California Coastal Act of 1976 authorized the Coastal Commission to issue Coastal Development Permits until such time as the cities and counties within the coastal zone obtained certification of their own local coastal development programs. Once a local program is certified by the Coastal Commission, authority to issue most Coastal Development Permits reverts to the city or county. Many local governments in the coastal zone have been at least partially certified.

The Coastal Commission retains permit authority over tidelands, submerged lands, and certain lands held in the public trust. The Commission also retains authority to determine whether federal project activity in the coastal zone (such as activity on the Outer Continental Shelf) which affects the zone is consistent with state policies for the coast. The Commission further retains authority to determine appeals of certain locally issued development permits and must approve all amendments to the local coastal program. The Commission is also required to periodically review each certified local coastal program to determine whether the program is being effectively implemented in conformity with the Coastal Act.

III. What Information Should Developer-Applicants Provide Upon Application?

When applying directly to the Coastal Commission, applicants must include the following information on the form entitled "Application for Coastal Development Permit," available at Commission District Offices:

A. Name, address, and telephone number of all applicants and the applicant's representative;
B. Project location and assessor's parcel number;
C. Detailed Project description, including:
    1. Nature of proposed development;
    2. Present use of the property;
    3. Estimated project cost;
    4. Previous coastal development application numbers;
    5. Height of the project;
    6. Number of floors in the building;
    7. Gross structural area;
    8. Lot area;
    9. Lot coverages;

10. Parking facilities;
11. Utility extensions; and
12. Proximity to public road.

D. Description of the property, including:
1. Nearest coastal access point;
2. Grading and drainage plans;
3. Discussion of project effects on public trust lands, recreation, agricultural land, sensitive habitat areas, views, and stream flows.

E. Series of attachments, including:
1. Verification of applicant's interest in property (tax bill, deed);
2. Assessor parcel map;
3. Copies of required local approvals, if available;
4. A list containing names, addresses, and assessor parcel map numbers of property owners and occupants of property within 100 feet of the project, and all other parties known to the applicant to have an interest in the property;
5. A stamped, business size envelope addressed to each identified property owner and occupant of property situated within 100 feet of property lines and interested parties;
6. Location map;
7. Project plans – including site plans, floor plans, evaluations, landscape plans, and septic system plans;
8. Documentation of all required permits and approvals from local, state, and federal agencies;
9. Copies of any environmental document required by the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), if available;
10. Site-specific geology and soils report for bluff areas and areas of high geological risk; and
11. Biological survey, hydrologic mapping or other appropriate reports for sensitive habitat areas, flood plains, or areas of important resources.

IV. What Application Fee Must the Developer-Applicant Submit?

The Commission ordinarily waives the fees for public agency projects. Private applicants must submit a fee computed according to the following schedule:

Residential Development:	
Single family residence:	
On administration or consent calendar	$ 250.00
On public hearing calendar:	
1500 sq. ft. or less	$ 250.00
1501 sq. ft. to 5000 sq. ft.	$ 500.00
5000 sq. ft. or more.	$ 1,000.00
Multiple residential: (incl. residential subdivisions or condo conversions)	
2-4 units	$ 600.00
5-16 units	$ 2,000.00
17-166 units (per unit)	$ 120.00
167 units or more	$ 20,000.00

Residential projects which involve more than 75 cubic yards of grading (including residential land divisions and mixed-use projects which have a residential component) shall be subject to an additional fee of $200.00 plus $5.00 per 1000 cubic yards in excess of 75 cubic yards.

Land Divisions	
Lot Line Adjustment/Existing unit(s) with only one new lot created	$ 600.00

Fees are subject to change.

Office, Commercial, Conventional or Industrial Development:	
Less than 10,000 sq. ft. (gross)	$ 2,000.00
Less than 25,000 sq. ft. (gross)	$ 4,000.00
Less than 50,000 sq. ft. (gross)	$ 8,000.00
Less than 100,000 sq. ft. (gross)	$ 12,000.00
More than 100,000 sq. ft. (gross)	$ 20,000.00
Any major energy production or fuel processing facility	$ 20,000.00
Land Divisions:	
Lot line adjustment/existing unit(s) with only one new lot created	$ 600.00
Other Fees:	
Administrative or Emergency Permit (Except single family residences)	$ 200.00
Consent calendar item	$ 250.00
Amendments:	
Immaterial amendments	$ 200.00
Material amendments	one half of full permit fee (based on current fee schedule)
Extensions and Reconsiderations:	
Single family residences	$ 200.00
All other developments	$ 400.00
Assignments	$ 200.00
Request for continuance:	
1st request	no charge
2nd and subsequent request (where staff report is unchanged)	$ 100.00
Waivers	$ 200.00
Any development *not* covered above, if;	
cost is under $100,000	$ 600.00
costs $100,000 to $500,000	$ 2,000.00
costs $500,000 to $1,250,000	$ 4,000.00
costs $1,250,000 to 2,500,000	$ 8,000.00
costs $2,500,000 to 5,000,000	$ 12,000.00
costs more than $5,000,000	$ 20,000.00

Fees are subject to change.

Fees for after-the fact permits shall normally be double the regular permit fee cost.

In addition to the above fee, the Commission may require the applicant to reimburse it for any additional reasonable expenses incurred in its consideration of the permit application, including the cost of providing public notice. This schedule has been developed to assist permit applicants in calculating the necessary processing fees. The full text of the fee schedule may be found in section 13055 of the commission's Administrative Regulations.

Note: Permits shall not be issued without full payment of all applicable fees. If final action by the Commission results in a lower fee than initially submitted by the applicant, then a refund is due.

The Executive Director may waive the application fee when requested by resolution of the Commission. The Commission may require the applicant to reimburse it for any additional reasonable expense incurred in its consideration of the permit application.

V. How does the Commission Evaluate and Process the Application?

Criteria. The Coastal Commission, made up of representatives from various coastal areas and state agencies, reviews coastal development permits for conformity with the coastal policies of the California Coastal Act. The Commission may consider its own interpretive guidelines and past precedents. Developer-applicants should understand that the Commission sometimes requires provision of public access. In most cases, the application will be reviewed by the district staff and placed on the Commission agenda for the earliest possible meeting. Staff will determine if the application can be put on either the consent or administrative calendar or whether it must receive a

full public hearing. If the developer-applicant believes the project is exempt from permit requirements because he or she holds a vested right, an exemption may be requested. The developer-applicant may also request a waiver for projects which have no potential adverse impacts on coastal resources.

After receiving preliminary approval from all other local or state permit-granting agencies, the developer-applicant should post a notice of the proposed project at the site of the project and submit a complete application to the appropriate District Office of the Commission. Within the 30-day application review period under the Permit Streamlining Act, the Executive Director determines whether the application materials are complete. If the application is complete, the Executive Director considers it formally filed and begins the review. If the application is incomplete, the Executive Director immediately notifies the applicant, specifying the additional information required. When the applicant has supplied all the necessary information, the Executive Director considers the application filed and begins the review. If the application together with the submitted materials is determined incomplete, the applicant may appeal the decision to the Commission. When the applicant has supplied all the necessary information, the Executive Director considers the application filed and begins the review. The Commission will provide the applicant with a notice of the proposed project along with an acknowledgment of the receipt of the application. The applicant must then immediately post the notice in a conspicuous location on the project site.

A. **Public Hearing Items.** Projects potentially inconsistent with the Coastal Act or which can be approved only with conditions for which there are no clear precedents will be placed on the regular calendar and will be considered after a full public hearing. The Executive Director prepares a summary of the proposed project including maps, drawings, and any environmental document required by the California Environmental Quality Act. The Executive Director forwards copies of this summary to the applicant, the Commission members, cities, counties, state agencies, and other parties with an interest in the project. The Executive Director then sets the application for public hearing before the Commission.

   The Executive Director submits a notice to the applicant and all interested parties containing the filing date and number assigned to the application, a project description, and the date, time, and place of the public hearing. This notice also describes general hearing procedures and directions to persons wishing to participate in the public hearing.

   The Commission staff comments on the proposed project to the Commission at the public hearing. The staff discusses the policies in the Coastal Act which apply to the project, to previous applications related to the project, to public comments on the permit application, and to any legal questions raised by the application. The staff also responds to significant environmental issues raised by other state agencies or the public and discusses previous permit decisions by the Commission that may set a precedent for a decision on the application.

   To expedite permit processing, the Commission seeks to act on the agenda items at the close of the public hearing on the day the proposal is first heard. When there is insufficient information for staff to make a preliminary recommendation, a project may be continued to the next public hearing with Commission voting to follow the hearing.

B. **Consent Calendar Items.** Projects considered by staff to be consistent with the Coastal Act, but which do not qualify for the administrative calendar, may be placed on the consent calendar. Projects on the consent calendar will be approved by the Commission with a single vote for the entire calendar. If three or more commissioners wish to pull an item off consent, that item will be rescheduled for a public hearing and possible vote at the next regular Commission meeting. Conditions may be attached to consent calendar permits. Applicants and other interested parties may be heard with respect to the project or its conditions.

C. **Administrative Items.** Administrative permits may be granted by the Executive Director for improvements to existing structures, single-family residences, or multi-family projects of four units or less within any unincorporated area that does not require demolition and, any other developments not in excess of $100,000 other than a land division and any development authorized by a certified land use plan as a principal permitted use. The Coastal Act requires that all administrative permits be reported to the Commission at its next meeting before they take effect. Administrative permits will be reported on the administrative calendar. If four or more commissioners request that an item be held for public hearing, the project will be removed from the administrative calendar and scheduled for a public hearing and possible vote at the next regular Commission meeting. Conditions may be attached to an administrative permit. Applicants and other interested parties may present oral comments on the project or its conditions during the public hearing.

D. **Requests for Reconsideration.** An applicant may request that the Commission reconsider its previous action on a permit. The request for reconsideration must be made within 30 days of the decision on the application for a permit. The applicant must show that there is relevant new evidence which could not have reasonably been presented at the original hearing or that an error of fact or law occurred. Only the applicant and persons who participated in the original proceedings are eligible to testify. If the commissioners grant reconsideration, the matter will be scheduled for a public hearing as if it were a new application.

E. **Categorically Excluded Development.** In some areas of the coast, certain types of new development, such as single family residences, are exempt from requirements for a coastal development permit. Applicants should contact the appropriate district office to determine if their project qualifies for an exemption.

F. **Emergency Permits.** A developer-applicant may apply to the Executive Director for an emergency permit by telephone, by letter, or in person, indicating the nature, location, and cause of the emergency, the proposed project, and the probable consequences of failure to carry it out. The Executive Director grants a request for an emergency permit if there is a bona fide emergency and if:

1. The proposed work is necessary to prevent loss or damage to life, health, property, or essential public services;
2. Time does not allow the Commission to follow normal procedures; and,
3. The proposed work is consistent with the requirements and the policies of the California Coastal Act of 1976.

If time allows, the Executive Director will give other agencies and interested members of the public an opportunity to review the proposed project. Upon determining that a proposed project meets the criteria above, the Executive Director immediately grants a permit. The emergency permit may be subject to reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later.

G. **Waivers.** A developer-applicant may apply to the Executive Director for a waiver of permit requirements for projects which have no potential for adverse effects, either individually or cumulatively, on coastal resources and which will be consistent with the policies of the Coastal Act. The waiver takes effect only after the next regularly scheduled Commission meeting, provided four or more commissioners do not object to the Executive Director's issuance of the waiver.

H. **Appeals to the Commission:**

1. *No Certified Local Coastal Program.* Where a local government has been given the authority to issue coastal development permits prior to certification of its Local Coastal Program (LCP), all local permit decisions may be appealed to the Coastal Commission. If no appeal is filed, the local action is final after the 20th working day after the receipt of the notice of the permit decision by the Executive Director.
2. *With Certified Local Coastal Program.* Appeals of local government permits reviewed under a certified LCP are limited. Local permit decisions may be appealed for only the following types of developments:
   a. Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
   b. Developments approved by the local government located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff;
   c. Developments approved by the local government that are located in a sensitive coastal resource area.
   d. Developments approved by the coastal county that are not designated as the principal permitted use under the zoning portion of the LCP; and,
   e. Any development which constitutes a major public works project or a major energy facility.

The grounds for appeal of approvals under (a) through (e) are limited to an allegation that the development does not conform to the certified LCP or the public access policies of the coastal act.

For appeals of a denial of a permit for a major public works project or major energy facility under (e) it must be alleged that the development does conform to the certified LCP and the public access policies of the Coastal Act.

If no appeal is filed, the local action is final on the 10th working day after the receipt by the Executive Director of a complete notice of final permit action.

VI. What are the Developer-Applicant's Rights and Responsibilities After the Permit is Granted?

Rights. The developer-applicant may transfer the approved permit to another party after submitting to the Commission:

A. The original developer-applicant's request to transfer the permit;
B. A copy of the original permit showing that it has not expired;
C. An affidavit certifying that the assignee agrees to comply with the terms and the conditions of the original permit;
D. Evidence of assignee's legal interest in the property and ability to undertake the approved project; and,
E. A $200.00 application fee.

The developer-applicant may request to extend the permit for a period not to exceed one year beyond the termination date. To extend the permit, the developer-applicant should submit the request accompanied with $400.00 ($200.00 for a single-family home) to the Executive Director of the Commission, together with evidence of a valid permit and the developer-applicant's continued legal interest in the property.

The developer-applicant may request an amendment to an approved permit. However, if the proposed amendment would lessen the effect of a previously approved permit, it may not be accepted unless it is based on new information which could not have been presented at the original hearing on the permit. The developer-applicant must submit a $200.00 fee for immaterial amendments or a fee of one-half the full permit fee for material amendments and file a complete description of the proposed modification to the Executive Director of the Commission. The Executive Director determines whether the proposed modification constitutes a material change to the approved project. If the amendment is immaterial, the Executive Director posts a notice at the project site and notifies all parties known to have an interest in the project. If no one objects within l0 working days of the notice, the Executive Director approves the amendment.

If there are objections, or if the amendment constitutes a change to the approved project, the Executive Director schedules the proposed amendment for a public hearing before the Commission. The Commission will determine by majority vote whether the proposed development as amended is consistent with the California Coastal Act of l976.

Responsibilities. The developer-applicant must abide by all terms and conditions of the coastal development permit.

VII. What are the Commission's Rights and Responsibilities After the Permit Is Granted?

Rights. The Commission staff may ask local agency officials to inspect the project site at any time to determine whether the developer-applicant is complying with the approved permit and may seek an inspection warrant if permission for such a site visit is denied. If the Commission determines that the requirements of a permit have not been complied with, it may seek correction of the problem through issuance of either a restoration or a cease and desist order.

The Commission may revoke a permit for any one of the following reasons:

A. The developer-applicant included inaccurate or incomplete information on the permit application and the Commission finds that accurate information would have caused it to require conditions to the permit or to deny it altogether;
B. The developer-applicant failed to provide all names of property owners within l00 feet of the project site; or,
C. The developer-applicant failed to post a notice of the application at the project site.

Responsibilities. The Coastal Commission monitors coastal development to uphold the policies of the California Coastal Act.

VIII. What Other Agencies Should the Developer-Applicant Contact?

The developer-applicant should consider whether the agencies listed below must issue permits for the proposed project:

A. *Local* – city, county, or special district

B. *State* – Air Pollution Control District
Department of Fish and Game
Regional Water Quality Control Board
State Lands Commission
State Water Resources Control Board

C. *Federal* – United States Army Corps of Engineers
United States Fish and Wildlife Service (Where threatened or endangered species are involved)

IX. What Other Sources of Information are Available to the Developer-Applicant?

Developer-Applicants may refer to the publications listed below for further information about coastal development permits:

A. *California Public Resources Code,* Sections 30000 et seq. (California Coastal Act of l976);
B. *California Coastal Commission Interpretive Guidelines;* and,
C. *California Code of Regulations,* Title l4, Section l3000 et seq..

These publications are generally available at all Commission district offices and at the State Commission office. The Public Resources Code and the California Code of Regulations may be found at county law libraries and the State Library in Sacramento.

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

(BCDC) Development Permit

I. Who Needs a Development Permit?

Any person or public agency proposing to fill, extract materials, or change the use of water, land, or structures in or around San Francisco Bay must first obtain a Development Permit from the San Francisco Bay Conservation and Development Commission (BCDC).

BCDC's permit jurisdiction includes San Francisco Bay, a 100-foot-wide "shoreline band" that extends 100 feet inland from the upland edge of the Commission's "Bay" jurisdiction, salt ponds, managed wetlands, and certain named waterways that empty into the Bay. The Commission's "Bay" jurisdiction extends geographically from a line that connects Pt. Bonita and Pt. Lobos at the entrance to the Bay and inward to include the central and south Bays, San Pablo Bay, the Carquinez strait, and Suisun Bay to a line that connects Stake Pt. and Simmons Pt. The Commission also has jurisdiction over the Suisun Marsh. The lateral extent of the Commission's Bay and certain waterways jurisdictions extends up to a mean high water in areas that are not tidal march and up to five feet above mean sea level in areas of tidal marsh.

The Commission has direct permit authority over all activities and land uses defined in the Suisun Marsh Preservation Act within the "primary management area" of the Suisun Marsh, which includes all tidal waters and marshes, seasonal marshes, managed wetlands, and lowland grasslands. Solano County has direct permit authority over all activities and land uses within the "secondary management area" of the marsh, which includes upland grasslands and some cultivated areas. *Marsh development permits* are issued for work within the Suisun Marsh. Solano County *marsh development permits* for work in the secondary management area can be appealed to the Commission.

II. What Types of Permits does the Commission Issue?

Because the Commission administers two state laws, it issues two legally different permits, the San Francisco Bay permit and Suisun Marsh development permit. Applications for both permits are processed in the same way, but there are different types of each kind of permit. The size, location, and impacts of a project determine which type of permit is appropriate for a particular project. In turn, the type of permit that is applied for affects the information that must be provided to complete a permit application. A brief description of each type of permit follows.

Administrative Permit. An administrative permit can be issued for an activity that qualifies as a *minor repair or improvement* in a relatively short period of time and without a public hearing on the application. Although an administrative permit application can be processed quickly, the proposed project must be reviewed against the same policies that are used to determine whether a major permit can be approved.

Major Permit. A major permit is issued for work that is more extensive than a minor repair or improvement. A public hearing is held on an application for a major permit and the application may be reviewed at hearings held by the engineers and designers who advise the Commission.

Regionwide Permit. *Routine maintenance* work that qualifies for approval under an existing Commission regionwide permit can be authorized in a very short period of time by the Commission's Executive Director without Commission review or a public hearing.

Emergency Permit. The Commission's Executive Director can issue an emergency permit after consultation with the Chair in emergency situations.

III. Where Should the Developer-Applicant Apply?

Developer-applicants should direct inquiries and permit applications to:

Permits
Bay Conservation and Development Commission
30 Van Ness Avenue, Room 2011
San Francisco, CA 94102
(415) 557-3686

IV. What Information Should the Developer-Applicant Provide Upon Application?

Applicants must provide the following information on the application form entitled "Application for Permit":

A. Names, addresses, and telephone numbers of the applicant, the applicant's representative, and the property owner;
B. Complete description of the proposed project, including:
    1. Volume (cubic yards) of dredging or fill required;
    2. Estimated dates for beginning and ending the project;
    3. Cost of the project;
    4. Full description of existing and proposed uses;
    5. Explanation of present and proposed public access to the Bay; and,
    6. An analysis balancing the public benefits of the project with any possible public detriments, such as loss of marsh or water area.
C. Project location, including city, county, and assessor's parcel number;
D. Discussion of the project's purpose and how it conforms to the Commission's policies found in the San Francisco Bay Plan and the McAteer-Petris Act;
E. Names and addresses of adjacent property owners;
F. Proof of the applicant's legal interest in the property; and,
G. List of all governmental approvals required and dates of completion.

When CEQA applies, the applicant must attach a copy of the CEQA environmental document to the application. If the environmental document exceeds five pages, the applicant must also submit a summary.

In addition to environmental document(s), the applicant must also submit drawings illustrating the plans for the project and a map of the area. These drawings should be on 8 1/2" X 11" paper suitable for reproduction. The site plan must show clearly and precisely existing and proposed improvements, public access, and the line of highest tidal action. The vicinity map should relate the project to the surrounding area, focusing on major highways, the Bay, other waterways, and important geographic features.

V. What Application Fee Must the Developer-Applicant Provide?

Fees are charged to cover a small portion of the cost of processing an application. The amount of fee is based on the project's location and the total project cost. The following fee schedule indicates the most common categories of fees.

PROCESSING FEES

The first time extension to a permit	$ 50.00
A non-material amendment to a permit other than the first time extension	$ 100.00
An activity authorized under a regionwide permit	$ 100.00
A minor repair or improvement with a total project cost (TPC) of:	

Less than $300,000 ..... $150.00
$300,000 to $10,000,000 ..... 0.05% of TPC
More than $10,000,000 ..... $5,000.00
Any other project that does not qualify as a minor repair or improvement with a total project cost (TPC) of:
Less than $250,000 ..... $250.00
$250,000 to $10,000,000 ..... 0.1% of TPC
More than $10,000,000 ..... $10,000.00
Federal consistency submittal ..... $None

Fees are subject to change.

NOTE: All fees are doubled for "after-the-fact" applications to correct violations.

If the Commission serves as the "lead agency" under the provisions of the California Environmental Quality Act (CEQA), an additional fee of $300 is charged for analyzing, processing and distributing environmental documents. No fees are charged for environmental document review if BCDC is not the lead agency. In addition, another $500 fee is charged if an environmental assessment must be prepared. Fees may also be required to pay the cost of retaining consultants if the Commission staff determines that specialized information is needed to complete the required environmental analysis of a project. If an EIR must be prepared for the Commission either by its staff or a consultant, the cost of this work must be paid by the applicant. [*California Code of Regulations*, section 11540 et seq.]

VI. How does the BCDC Evaluate and Process the Application?

Criteria for Evaluation. The Commission evaluates permit applications according to the proposed project's conformity with the McAteer-Petris Act and the Suisun Marsh Preservation Act, and two plans, the San Francisco Bay Plan and the Suisun Marsh protection Plan.

Procedures. The developer-applicant should submit the application to BCDC's Permit Branch. The Commission staff has 30 days to determine whether the application is complete. If it is complete, it is officially filed and processed in one of three ways depending on the type of permit that is appropriate for the particular work that is authorized by the permit. Work on a project cannot begin until the application has been evaluated and approval has been issued. A permit is not effective until it has been signed by the applicant and returned to the commission.

Major Permit Application.

After the Commission's staff determines that an application is complete, the staff distributes a summary of the application to the Commission and the public. No sooner than 28 days after the application has been filed and at least 10 days after the summary has been distributed, the commission holds a public hearing on the application. Unless the applicant agrees to provide the Commission with more time, the Commission must act on a permit application within 90 days of the filing of the application. [*California Code of Regulations*, Title 14, Division 5, Sections 10400 et seq.]

Administrative Permit Application.

After the Commission's staff determines that an application is complete, the Commission's executive director summarizes the application on a listing that is sent to the Commission, state agencies, and the general public. On this listing, the executive director indicates whether the staff proposes to approve or deny the application. This action is taken shortly after the Commission meeting unless a majority of the Commission decides it wants to more fully consider the application. If the Commission makes this decision, the applicant is notified within five days after the Commission meeting that a public hearing is necessary. Complete administrative permit applications are typically processed in about five to eight weeks. [*California Code of Regulations*, Sections 10600 et seq.]

Regionwide Permit Application.

After the Commission's staff determines that an application is complete, the staff has 14 days to determine whether the work proposed is authorized by an existing Commission regionwide permit. Once the determination is made, the applicant is notified and work can begin if the application is approved. A complete regionwide permit application takes no more than 44 days to process and does not require a public hearing. [*California Code of Regulations*, Sections 11700 et seq.]

In an emergency, any of the three types of permits can be issued almost immediately if a project is needed to protect life, health, or property. The developer-applicant must, however, file the formal application and pay the required fee within 5 days from the date the emergency permit is granted.

Appeals. Administrative actions by the Executive Director are appealable to the Commission. The developer-applicant must file a statement of appeal and must also re-file the application. Decisions by the Commission are final. The developer-applicant may file a new application no sooner than 90 days after the Commission's decision. A modified project application may be filed anytime. Final decisions of the Commission are subject to judicial review on appeal to the Superior Court.

VI. What are the Developer-Applicants Rights and Responsibilities After Certification?

Rights. A developer-applicant may request an amendment to an approved permit by submitting a letter to the Executive Director describing the proposed modification. If the Executive Director finds that the proposed amendment constitutes a material change to the approved project, the developer-applicant must submit a new permit application for the Commission's approval. If the proposed amendment does not materially alter the approved permit, the Executive Director may approve the amendment administratively. Extensions of deadlines constitute typical permit amendments.

Responsibilities. The developer-applicant must notify the Executive Director when the approved project is complete.

VII. What are the Commission's Rights and Responsibilities After Certification?

Rights. Whenever possible, the Commission’s staff inspects the project area within 10 days of the developer-applicant's notice of completing the authorized work. The staff then issues a certificate of compliance or noncompliance with the terms and conditions of the permit. The staff reports evidence on noncompliance to the Commission. The Commission may hold a public hearing and take action to amend or revoke the permit.

VIII. What Other Agencies Should the Developer-Applicant Contact?

The developer-applicant should contact the agencies listed below to determine whether they must issue permits for the proposed project:

A. *Local* – city, county, or special district

B. *State* – Air Pollution Control District
Department of Fish and Game
Regional Water Quality Control Board (Region 2 - San Francisco)
State Lands Commission
State Water Resources Control Board

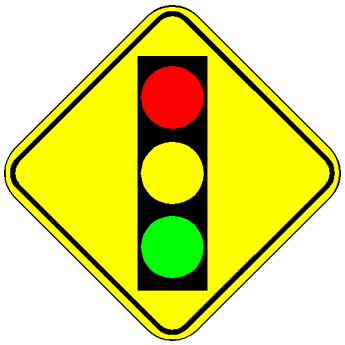
C. *Federal* – U. S. Army Corps of Engineers

IX. What Other Sources of Information are Available to the Developer-Applicant?

Developer-applicants may refer to the publications listed below for further information on permits for development projects in the San Francisco Bay Region:

A. *Applying for Project Approval From BCDC*, May 1990;
B. *The San Francisco Bay Plan*, BCDC, and any special area plan that has been adopted as part of the Bay Plan for the area of the proposed project;
C. *The McAteer-Petris Act:* Government Code Sections 666000 et seq., especially Sections 66605, 66610, and 66632;
D. *California Code of Regulations*, Title 14, Division 5; and,
E. *Suisun Marsh Preservation Act of 1977:* Public Resources Code Section 2900 et seq.

These publications are available from BCDC. The Government, Public Resources, and Administrative Codes are generally available at county law libraries, and the State Library in Sacramento.



DEPARTMENT OF TRANSPORTATION (CalTrans)

Encroachment Permit

I. Who Needs an Encroachment Permit?

The California Department of Transportation (Caltrans) issues permits to encroach on land within the jurisdiction of the Department to:

A. Ensure that the proposed encroachment is compatible with the primary uses of the State Highway System;
B. Ensure the safety of both the permittee and the highway users; and,
C. Protect the State's investment in the highway facility.

Therefore, all proposed activity unless conducted under the auspices of Caltrans or Caltrans contract forces within contract limits involving the placement of encroachments within, under, or over the State highway right–of–way must be covered by an encroachment permit. This requirement applies to persons, corporations, cities, counties, utilities, and other governmental agencies. Examples of activities within the right–of–way that require an encroachment permit include:

A. Opening or excavating a state highway for any purpose;
B. Placing, changing, or renewing an encroachment;
C. Placing any advertising sign or device;
D. Planting or tampering with vegetation growing along any state highway;
E. Installing or removing tire chains for compensation;
F. Constructing and maintaining road approaches or connections to or grading within right-of-way on any state highway; and
G. Any activity or special event affecting the use of the highway.

Private facilities running parallel to and falling in the rights- of-way of conventional highways with franchise rights from local agencies also require approval of the Program Manager, State and Local Project Development (SLPD) in Caltrans.

An encroachment which involves work within the right-of-way with a cost of more than $1,000,000 requires a Highway Improvement Agreement or a Cooperative Agreement in addition to an encroachment permit.

Proposed encroachments requiring permanent access or maintenance in freeway or expressway rights-of-way are extreme cases and are considered only under the following restrictions:

A. The encroachments must be a public facility or utility dedicated to public use;
B. Any alternative location for the encroachments would be inordinately difficult or unreasonably costly;
C. The encroachment must be placed as near as possible to the right-of-way line; and,
D. The encroachments must be approved by the Program Manager, State and Local Project Development in Caltrans and possibly the Federal Highway Administration.

II. Where Should the Developer-Applicant Apply?

Developer-Applicants should direct inquiries and permit applications to the local Caltrans District Office. Addresses follow section IX.

III. What Information Should the Developer-Applicant Provide Upon Application?

Applicants should complete Caltrans "Standard for Encroachment Permit Application" form, obtained at listed District Offices, which requests the information shown below: Plans submitted after January 1, 1996 are to be in metric or dual units (metric and English). Permit applications submitted after July 1, 1998 shall be in metric units.

A. The location of proposed work or encroachment by county, state highway route and post mile, if known, or distance to nearest major road intersection;
B. A complete description and detailed plans of the proposed work and existing facilities within the State highway right-of-way including an estimate of the cost of work within the right-of-way;
C. The applicant's name, address and telephone number;
D. The estimated dates to begin and end the proposed work;
E. The width, depth, length, and type of surface to be cut for excavation, if applicable; and,
F. The kind, diameter, pressure and product in pipes, if applicable.

A developer-applicant requesting permission to install a facility requiring approval by the Program Manager, State and Local Project Development, Caltrans, must provide the following additional information:

A. An index map which should be a print of a small scale key map showing in outline form the general alignment of the freeway, crossroads, frontage roads and ramps and the major geographic features. Generally, title sheets and freeway strip maps will suffice. (Available from appropriate Caltrans District Office.)
B. Plans (50' to 200' scale) showing a graphic outline of the following:
    1. The pavement and shoulder edges of the freeway or expressway crossroads;
    2. Collector roads and ramps;
    3. Adjacent roads or streets including proposed or existing frontage roads to which the facilities may be reasonably moved;
    4. Right-of-way and access denial lines;
    5. Present and proposed location of the facility or facilities involved, and physical features which affect the proposed location shall be shown (a dashed colored line to show existing facilities and a solid line in the same color for relocated position of the facility);
    6. Trace of slope catch points;
    7. Existing drainage facilities;
    8. Fencing and location of locked gates where access locations are proposed; and,
    9. Other features such as topography where pertinent.

    The plans need not be a special drawing. Copies of contract plans, project drawings, etc., are suitable. Whenever feasible, the plan should be as long as necessary to show the entire encroachment. However, separate sheets will also serve.
C. Profiles, cross sections, and contour grading plans;
D. Substantiating hydraulic calculations if the project will affect existing drainages;
E. A full explanation as to the route and method by which the facility owner will gain ingress and egress to the encroaching facility for maintenance purposes (include an explanation of frequency, personnel, and equipment required for maintenance);
F. A complete discussion of the available alternatives to the proposed encroachment together with cost estimates and substantiating data necessary for verification;
G. A discussion of potential consequences if the requested encroachment is not approved;
H. A statement regarding the environmental integrity of the project;
I. A discussion of potential positive or negative impacts on the state highway facility; and,

J. If encroachment is on a structure, design criteria for the proposed encroachment, geophysical data (when pertinent), structural details, and legible calculations of stresses due to the encroachment.

IV. What Application Fee Should the Developer-Applicant Submit?

Caltrans charges a fee that varies according to the amount of effort required of Caltrans to review and inspect the proposed encroachment permit work. This fee consists of an hourly charge to cover Caltrans costs for review and inspection. The hourly cost is subject to change as necessary to cover expenses. The estimated fee is calculated at the time the application is submitted and a deposit is required of all applicants (except public agencies and public utilities) before any further processing. Public agencies are by law exempt from fees, and public utilities will be billed for fees at a later date.

In addition, Caltrans may require the applicant to complete Caltrans Encroachment Permit Performance Bond and Payment Bond on forms obtained at listed Caltrans permit offices to ensure the applicant will comply with the terms and conditions of the permit. If bonds are required, Caltrans will determine the amount. Caltrans normally will not require a bond from public agencies or utility owners.

V. How does the Department Evaluate and Process the Application?

Material Necessary for Application Completeness Determination. In addition to a completed Standard Encroachment Permit Application, the following information where applicable is required to determine the application complete:

A. Location map.
B. Final environmental document and evidence of its approval.
C. Hazardous waste investigation and assessment or clearance.
D. Traffic data (existing and projected).
E. Development hydrology maps and calculations (existing and after development).
F. Hydraulic calculations.
G. Development and highway grading plans.
H. Development and highway drainage plans
I. Plans, profiles, cross sections, and contour grading plans of proposed work in State highway right-of-way prepared in conformance with Caltrans' Drafting and Plans Manual of Instructions (available from Department of Transportation, Central Publication Distribution Unit, 1900 Royal Oak Drive, Sacramento, California 95815).
J. Existing and relocated utility plans with typical cross sections of utilities.
K. Structure plans with structure type classification and all calculations used in design if development impacts Caltrans structures.
L. Signal and lighting plans for work on State highway right-of-way if development impacts or requires signals and highway lighting (scale 1"=20' for signals and 1"=50' for lighting) designed in conformance with Caltrans Traffic Manual available from; Department of Transportation, Central Publication Distribution Unit, 1900 Royal Oak Drive, Sacramento, California 95815 and prepared in conformance with Caltrans' Signal and Lighting Design Guide; available at the District Permit offices.
M. Specifications and special provisions for work in State highway right-of-way.
N. Additional information may be required for unique or complex projects.
O. Sand, rock, and gravel pits must be on the approved SMARA (Surface Mining Area Reclamation Act) list, available from the Office of Reclamation.

Criteria for Evaluation. Caltrans evaluates the permit application to determine:

A. How the project may disrupt traffic and/or result in potential hazards to other highway users;
B. How the proposed encroachment may impair the design, construction, operation, maintenance, or integrity of the highway; and,

C. How the developer-applicant will restore the highway to its original condition, including landscaping, drainage, etc.

Caltrans also evaluates the permit application to determine how the proposed encroachment will affect the aesthetics of the highway.

Encroachments on freeways are not permitted except under highly exceptional circumstances. The burden is on the applicant to demonstrate that denial of application would create an unusual hardship.

Procedures. Developer-applicants may submit applications to the appropriate Caltrans District Office before obtaining all public agency approvals, but they must secure the consent from all other public agencies having jurisdiction over the project before beginning work. If the proposed encroachment is minor and will have no significant effect on the environment, or is exempt from the requirements of CEQA, the permit engineer will review the application to determine whether the encroachment is compatible with other highway uses and conforms to the Department's standards. The permit engineer has 60 days to issue or deny the permit after a *complete* application is received.

If the proposed encroachment is major (such as access to a subdivision or a transmission line), the permit engineer inspects the project area. Other District units, such as Traffic, Design, Hydraulics, and Environmental, may review the application to determine the proposed encroachment's effect on the use of the state highway and on the environment. If these units find the encroachment acceptable, the permit engineer issues the permit. The time to complete this process will vary depending on the complexity of the project.

If the proposed encroachment requires permanent access or maintenance in freeway or expressway rights-of-way, the District reviews the application and makes a recommendation to approve or deny the application. If the District recommends approval, the permit engineer will forward it to the Program Manager, State and Local Development Project in Caltrans. The Program Manager generally, but not necessarily, follows the recommendations of the District; however, permits are seldom granted unless special circumstances require them. If the Program Manager approves the application, it is returned to the district permit engineer who issues the permit. The process takes approximately four (4) months. The decision of the Program Manager is final.

The terms and conditions of Caltrans encroachment permits are binding on the developer-applicant.

Appeals. Every effort will be made to reach agreement with permit applicants in each transportation district. Denials by a permit engineer in the district are appealable to the district director. In cases where a district director denies a permit, that applicant may appeal for a final decision to the director of transportation, per Streets and Highways Code, section 671.5 (c).

VI. What are the Developer-Applicant's Rights and Responsibilities after the Permit is Granted?

Rights. Any work on or within the state highway constitutes an acceptance by the developer-applicant of all terms and conditions in the encroachment permit. The developer-applicant may not transfer or assign an approved permit to another party. If the approved work cannot be completed by the date specified in the permit, the developer-applicant must request the District to extend the permit. Applicants may request amendments to their permit applications or approved encroachment permits. Written amendments and accompanying site maps must be sent to the appropriate Caltrans District Office. The permit engineer reviews the proposed amendment according to procedures described for original permit applications.

Responsibilities. All Caltrans encroachment permits contain the following standard conditions, although there may be additional special conditions:

A. The developer-applicant must clean and maintain the project site after the project is complete;
B. The developer-applicant must pay Caltrans for its costs incurred in inspecting the encroachment site and for performing any permit-related work;
C. The developer-applicant must take precautions to protect public safety while the project is under construction;
D. The developer-applicant must construct the project in accordance with Caltrans' standards.
E. The developer-applicant must notify the appropriate Caltrans office of completion of the project; and

F. The developer-applicant is liable for any damage to State property.

These conditions appear in the "General Provisions," an attachment to each permit. Copies of the General Provisions are available in each District Office. In addition, there usually are Special Provisions relating to the specific applications, such as traffic control and work hours. Both the General and Special Provisions must be fully carried out, unless expressly waived in writing.

The developer-applicant must submit Caltrans "Completion Notice" furnished with the permit, and As-Built Plans upon finishing the approved project. The permit engineer will then inspect the project site to determine whether the developer-applicant has complied with all terms and conditions of the encroachment permit. If the developer-applicant has not, the district permit engineer will inform the developer-applicant of the infraction(s) and request completion. If necessary, the District may revoke the permit or do any necessary work and recover its expenses from the developer-applicant.

VII. What are the Department's Rights and Responsibilities after the Permit is Granted?

Rights. Caltrans may revoke a permit and order the removal of an encroachment if the developer-applicant has not complied with all terms and conditions of an approved permit or if the continuance of the encroachment is incompatible with highway use. Future construction or maintenance of the highway may require the removal or relocation of the encroachment entirely at the developer-applicant's expense.

Responsibilities. Caltrans is responsible for assuring the safety and integrity of the State Highway System.

VIII. What Other Agencies Should the Developer-Applicant Contact?

A developer-applicant should consider whether other agencies, including, but not limited to, the following must issue permits or approve the proposed project:

A. *Local* – city, county, or special district

B. *State* – Department of Fish and Game
Public Utilities Commission
Coastal Commission
Regional Water Quality Control Board
San Francisco Bay Conservation and Development Commission
Tahoe Regional Planning Agency

C. *Federal* – United States Forest Service
Bureau of Land Management
Army Corps of Engineers
Department of Interior Fish and Wildlife Service

IX. What Other Sources of Information are Available to the Developer-Applicant?

Developer-applicants may refer to the following publications for more information about Caltrans encroachment permits:

A. *Caltrans Encroachment Permit Manual,* California Department of Transportation, Central Publication Distribution Unit, 1900 Royal Oaks Drive, Sacramento, CA 95815.
B. *Streets and Highways Code* Sections 660-734.

The Caltrans Encroachment Permit Manual is available for review from Caltrans District Offices. The Streets and Highway Code is available from county law libraries and the State Library in Sacramento.

Department of Transportation

Encroachment Permit Offices

1656 Union Street
Eureka, CA 95501
(707) 445-6385

1000 Center Street
Redding, CA 96001
(916) 225-3400

801 B Street
Marysville, CA 95901
(916) 741-5374

111 Grand Avenue
P.O. Box 23660
Oakland, CA 94623
(510) 286-4404

50 Higuera Street
San Luis Obispo, CA 93401
(805) 549-3152

1333 West Olive Avenue
Fresno, CA 93728
(209) 445-6578

120 South Spring Street
Los Angeles, CA 90012
(213) 897-3631

247 W. Third Street
San Bernardino, CA 92492
(714) 383-4017

500 South Main
Bishop, CA 93514
(619) 872-0671

1976 East Charter Way
Stockton, CA 95206
(209) 948-7891

4080 Taylor Street
San Diego, CA 92110
(619) 688-6843

2501 Pullman Street
Santa Ana, CA 92705
(714) 724-226 0

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)

Permit to Construct

(Mobile Home Parks & Campgrounds)

I. Who Needs a Permit to Construct?

To protect the health and safety of mobilehome park residents, anyone proposing to: build a mobilehome park, special occupancy park, or campground; add to or alter an existing park; install a mobilehome intended for human habitation on a site to construct or install a mobilehome accessory structure; or to install an Earthquake Resistant Bracing System under a mobilehome (ERBS) must apply for and obtain a permit from the Department of Housing and Community Development (HCD) or an authorized local agency that has assumed responsibility for the enforcement of the Mobilehome Parks Act, in the Health and Safety Code and Title 25 of the *California Code of Regulations*.

II. Where Should the Developer-Applicant Apply?

Although cities and counties may assume responsibility for the enforcement of the Mobilehome Parks Act to review and issue the Permit to Construct for mobilehome parks and lots within their jurisdiction, HCD retains enforcement jurisdiction over approximately 68% of the parks in the State. Developer-applicants may wish to contact either of the offices listed below to determine whether the city, county, or State reviews the permit application. Developer-applicants in Fresno, Imperial, Inyo, Kern, Kings, Los Angeles, Mono, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, San Luis Obispo, Tulare, and Ventura counties should contact the Southern Area Office. Applicants in any other of the counties in California should contact the Northern Area Office.

Department of Housing and Community Development
Division of Codes and Standards
Northern Area Office
8911 Folsom Boulevard
Sacramento, CA 95826
(916) 255-2501

Department of Housing and Community Development
Division of Codes and Standards
Southern Area Office
3737 Main Street, Suite 400
Riverside, CA 92501(909) 782-4420

III. What Information Should the Developer-Applicant Submit?

To obtain a permit from the Department Of Housing and Community Development, the developer-applicant submits a completed form HCD-50, "Application for Permit to Construct," or an HCD 50 ERBS, "Application for Permit to Install Manufactured Earthquake Resistant Bracing System." Local enforcement agencies will have similar forms. The form requests the following information:

A. The full description of the proposed project, including the name and address of the project;
B. The name and address of the applicant and project owner;

C. In the case of a park, the number of lots with utility services and a list of the number and type of electrical outlets, fixtures and appliances (for recreation buildings – heating and cooling units, and plumbing fixtures), for the installation of a mobilehome or an accessory structure with similar pertinent information; and
D. Earthquake Resistant Bracing Systems information, for the installation of an ERBS.

Contractors and owners must also submit a certification of compliance with the Worker's Compensation Law and have a valid California Contractor's License. An owner does not need a contractor's license for performing work on his or her own property, but must provide a signed certification of exemption stating that workers were not hired. Applicants must also provide three copies of the plans for the mobilehome park, special occupancy park, or campground, including the following:

A. Name and address of the owner, the plan preparer, and the project itself;
B. Plot plan showing location, easements, and property and individual lot lines;
C. Drainage plan with contours;
D. Details of the sewage disposal system indicating sewer lines, type of pipe, locations of clean outs and vents, and mobilehome connections;
E. Water distribution plan with evidence of approval from the local health department;
F. Gas distribution plan;
G. Electrical distribution plan providing specifications for service equipment;
H. Fire protection plan with evidence of approval from the local fire department;
I. Detailed drawings showing depth, width, and location of trenches for the utility services; and,
J. A separate set of plans indicating permanent buildings; and
K. Evidence of local planning department approval.

IV. What Application Fee Should the Developer-Applicant Submit?

The fees for construction permits vary according to the size of the development, which takes into account the number of lots, and the number and type of services provided. Fees generally average $30 per lot for a proposed mobile home park. Larger developments with 500 to 1,000 lots may have slightly reduced fees per lot.

V. How does the Department Evaluate and Process the Application?

Criteria for evaluation. HCD will not approve a mobile home park that violates health and safety regulations. HCD enforces these regulations through the plan review process and by requiring local agency approvals for the projects, to include the assurance of adequate water and sewage service for the project.

Inspectors review plans and specifications for compliance with a variety of health and safety requirements. For example, gas and electric distribution systems are checked for conformity with the Uniform Plumbing Code and the National Electrical Code, respectively. Title 25, Chapter 2 of the *California Code of Regulations* contains the health and safety criteria used by HCD to evaluate all projects.

Procedures. Before a permit application can be processed, the developer-applicant must secure all local approvals to include: approval from the local health department, fire district, sewer district, utility companies, flood control agencies, and, most importantly, the local planning department. After receiving all local approvals, the developer-applicant may either mail or take the drawings and permit application directly to an HCD Area Office or to the local enforcement jurisdiction, as appropriate.

The application documents are reviewed, including all environmental documents, to determine whether they are complete and accurate. Within 10 days of receipt of the application and accompanying documents, the applicant is notified as to the completeness of the application. In the case of an incomplete application, if the developer-applicant does not respond to a request for additional information, the Division will cancel the application 180 days after the request.

When the application is complete, the Plan Check Section reviews the plans and specifications for conformity with the requirements set forth in Title 25 of the *California Code of Regulations.* If the application conforms to the requirements of law, the Department may issue the permit immediately. If the application is not in conformity with the law, the developer-applicant must make the required changes before the permit is approved for issuance.

The Permit to Construct remains valid for six months, but may be regularly renewed at six month intervals for up to two years. Permits to Construct shall expire two years from date of issuance.

Appeals. The Department of Housing and Community Development will usually approve a permit if the applicant has secured local approvals. However, if the Division should deny a permit, the developer-applicants may appeal the decision by sending a written appeal to the Director of the Department, at 1800 3rd Street, Sacramento, CA 95814. A hearing, is generally arranged for the appeal.

VI. What are the Developer-Applicant's Rights and Responsibilities After the Permit is Granted?

Rights. The developer-applicant's rights are fully stated in the permit application. The developer-applicants may submit amendments to the permit application, however, *may not transfer the permit to another party.*

Responsibilities. HCD or the local enforcement agency may attach specific terms and conditions to the permit application approval. These may vary on a case to case basis, but frequently include time constraints and requirements to provide amenities.

VII. What are the Department's Rights and Responsibilities After the Permit Is Granted?

Rights. HCD or the local enforcement agency may inspect the project site at anytime. If the developer-applicant fails to comply with the terms and conditions in the permit, the permit may be revoked.

Responsibilities. HCD or the local enforcement agency must inspect the project to determine whether the project meets the requirements set forth in the permit and is constructed in accordance with the approved plans.

VIII. What Other Agencies Should the Developer-Applicant Contact?

Applicants for a permit to construct should consider whether the following agencies must also issue permits or approve the proposed project:

A. *Local* – city or county school districts, planning, health, sewer, water, flood control, and fire protection agencies

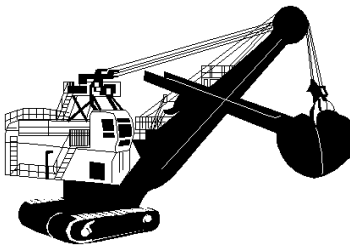
B. *State* – Coastal Commission
Department of Fish and Game
Department of Forestry
Department of Parks and Recreation
Regional Water Quality Control Board
Tahoe Regional Planning Agency

IX. What Other Sources of Information are Available to the Developer-Applicant?

Developer-Applicants may refer to the following publications for further information about the permit to construct:

A. *California Code of Regulations*, Title 25, Chapter 2, Section 1000 et seq.; and,
B. *Health and Safety Code*, Division 13, Part 2.1, Section 18200 et seq.

These publications are generally available for review at the Department of Housing and Community Development, area offices, county law libraries, and the State Library in Sacramento.



STATE LANDS COMMISSION

Dredging Lease

I. Who Needs a Dredging Lease?

Anyone proposing to dredge lands under the jurisdiction of the State Lands Commission must obtain a dredging lease from the State Lands Commission. Those seeking authorization for the commercial removal of minerals must apply for a mineral lease under PRC Section 6890.

II. Where Should the Applicant Apply?

Applicants should direct inquiries and applications for dredging leases to:

State Lands Commission
Division of Land Management
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825
Attention: Dredging Coordinator
916/574-1900

III. What Information Should the Applicant Provide Upon Receipt of Application Materials?

The applicant must submit an application Form (Form 54.2), which may be obtained from the Dredging Coordinator at the above address. Information requested on the form includes, but is not limited to, the following:

Part I: GENERAL DATA
- Section A: Identification of Applicant
- Section B: Legal Status of Applicant
- Section C: Type of Project and Authorization
- Section D: Project Location
- Section E: Property Description
- Section F: Other Governmental Jurisdiction

Part II: SPECIFIC PROJECT INFORMATION
- Section A: Existing Conditions
- Section B: Project Description

Part III: PROJECT ENVIRONMENTAL DATA
- Section A: Environmental Setting
- Section B: Assessment of Environmental Impacts
- Section C: State Lands Commission as a Responsible Agency

IV. What Application Fee Should the Applicant Submit?

All applicants must pay a non-refundable $25 filing fee and a minimum expense deposit of $800 to the State Lands Commission when submitting an application. The processing expense deposit amount may vary depending upon the complexity of the proposed project.

V. How Does the Commission Evaluate and Process the Application?

Criteria for evaluation. The State Lands Commission evaluates applications for dredging leases to determine how the proposed activity will affect the state-owned lands involved.

Procedures. When an applicant submits an application to the State Lands Commission, it is reviewed for completeness. If the application is incomplete, the applicant is requested to submit specific additional information. If the application together with the submitted materials is determined not to be complete, the applicant can appeal the decision to the State Lands Commission. When all the requested information is received, the application is deemed complete and the time limits under California Environmental Quality Act (CEQA) and the Permit Streamlining Act commence.

A review of the proposed project is made by Commission staff to establish the type of environmental analysis required by CEQA and determine appropriate steps to meet these requirements.

Depending upon the type of environmental analysis required, processing of an application by the Commission may require from two months to a year. If the Commission is not the lead agency for processing the project under CEQA, the application processing time depends on the action taken by the lead agency.

A review of the project is made by staff to determine if a royalty is required and the rate to be charged.

A lease is prepared and submitted to the applicant for review and approval prior to Commission action. Upon Commission approval of the project, the lease is issued.

Appeals. An applicant may not appeal the Commission's permit decisions. However, if an application is denied, the applicant may, without prejudice from the Commission, submit a new application for Commission processing.

VI. What are the Applicant's Rights and Responsibilities After the Lease is Granted?

Rights. The Commission describes the applicant's rights in the lease. The rights and conditions vary, depending upon the authorized activity. The applicant's transfer of a right granted by the Commission to another party is subject to prior Commission authorization.

Responsibilities. The applicant must abide by all terms and conditions in the approved lease.

VII. What are the Commission's Rights and Responsibilities After the Lease is Granted?

Rights. The Commission may inspect any dredging activities upon state lands whenever it wishes. It may revoke leases if the applicant fails to comply with the terms and conditions of the lease.

Responsibilities. The Commission must manage lands under its jurisdiction in the best interests of the people of the state.

VIII. What Other Agencies Should the Applicant Contact?

Applicants should contact the following agencies for the proposed project:

A. *Local* – city, county and special district

B. *State* – Coastal Commission (coastal projects)
Department of Fish and Game
The Reclamation Board

Regional Water Quality Board
San Francisco Bay Conservation and Development Commission (SF Bay and Delta)
Solid Waste Management Board
Tahoe Regional Planning Agency (Lake Tahoe projects)

C. *Federal* – United States Army Corps of Engineers
United States Coast Guard

IX. What Other Sources of Information are Available to the Applicant?

Applicants may refer to the following publications for further information about dredging permits:

A. *California Code of Regulations*, Title 2, Division 3, Section 1900 et seq.; and,
B. *Public Resources Code*, Section 6000 et seq.

These publications are generally available at the State Lands Commission offices, county law libraries, and the State Library in Sacramento.

STATE LANDS COMMISSION

Land Use Lease

I. Who Needs a Land Use Lease?

Sovereign Lands

The State Lands Commission may lease or otherwise manage the use of sovereign tidelands, submerged lands, and beds of navigable waterways under its jurisdiction. These sovereign lands may not be sold, since the Commission holds these lands in trust for all Californians.

Anyone proposing to use such state-owned sovereign lands must first obtain a land use lease from the State Lands Commission. Examples of the types of activities which require land use leases are:

A. Marinas, restaurants, piers, docks, buoys, water skiing facilities, boat houses, boat launching ramps, floats;
B. Industrial projects, such as oil terminals, pipelines, piers and wharves;
C. Right-of-way uses, such as electric transmission lines, oil and gas pipelines, bridges, outfall lines, and similar facilities;
D. Seawalls, bulkheads, breakwaters, and other similar uses; and,
E. Uses by public agencies, such as public bridges, public roads, wildlife refuges, and recreational structures.

Commission authorization is also required for dredging, mining, and oil, gas, or geothermal exploration activities. The lease or permit required is covered in the appropriate sections of the Public Resource Code. The Commission must manage state sovereign lands and their resources in the best interest of the people of the State of California.

School Lands

The Commission also manages State-owned school lands. As legal landowner, the Commission may sell or lease state school lands. Some examples of activities and surface uses of state school lands are:

A. Right-of-Way uses, such as electric transmission lines, oil and gas pipelines, roads, sewer lines and similar facilities;
B. Agricultural use; and,
C. Industrial development.

Anyone seeking to use state school lands must first obtain a lease or purchase the school lands from the Commission.

II. Where Should the Applicant Apply?

Applicants should direct inquiries and applications for sovereign and school land use to:

State Lands Commission
Division of Land Management
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825
916/574-1900

III. What Information Should the Applicant Provide Upon Receipt of Application Materials?

All applicants must submit an application form (Form 54.2) which can be obtained from the State Lands Commission at the above address. Information requested on the "Application for Lease of State Lands" includes, but is not limited to:

A. Names, addresses and telephone numbers of the applicant and the applicant's agent (if any);
B. Location of the state land involved, including the county, nearest city, section, township, range, base and meridian and waterway;
C. Landward property owner's name, address and telephone number; location of the upland property by address, subdivision, block and lot number, zoning designation, assessor's parcel number, and number and type of buildings on the upland property;
D. Type of transaction requested;
E. List of existing structures on the waterway and their construction dates, along with the beginning and ending dates of the proposed construction;
F. Identification of other public agencies with approval authority over the proposed project and copies of any approvals already obtained;
G. Existing zoning district and present use of the site;
H. Proposed use of the site;
I. Project description;
J. Checklist showing the anticipated environmental effects of the proposed project;
K. Environmental setting of both the project site and the surrounding property;
L. If a corporation, the applicant must submit a Certificate of Incorporation issued by the State of California or the state of incorporation, together with the certificate issued by the State of California authorizing the applicant to do business in California;
M. If a partnership, the applicant must submit a certified copy of the partnership statement. If the applicant has not filed a partnership statement in the county in which he or she does business, the applicant must give the particulars of the partnership, including the names and addresses of all partners;
N. If an applicant owns land adjoining state land, a copy of the vesting documents, such as the grant deed, must be presented. If not the owner, the applicant must submit a copy of a lease, permit, or other evidence of the applicant's right to use the land;
O. For commercial, industrial, and right-of-way uses, the applicant must attach a written description of the state land with a map and any supporting documents, including a legal description of the property prepared by a licensed engineer or surveyor;
P. For all other uses, the applicant must attach a map of the area showing the dimensions and size of the facility on state land and the distances from the facility to property corners and boundaries; and,
Q. The applicant must submit one copy of the plot plan and elevation drawings showing the proposed structures and the proposed and existing improvements.

IV. What Application Fee Should the Applicant Submit:

All applicants must pay a $25 non-refundable filing fee upon application. Applicants will be required to reimburse the Commission for its costs in processing the application, and will be required to submit an expense deposit and sign a reimbursement agreement as part of the application. Expense deposits range from $600.00 to $15,000.00.

The fees described above represent the Commission's minimum expense deposits to process a typical, uncomplicated application. For complex applications, the Commission may require additional fees. If the applicant does not pay the required fees within 30 days of filing or when requested, the application may be canceled. If the Commission is lead agency under CEQA, the applicant must pay for the preparation of any necessary environmental documents, Commission costs associated with environmental review, and other statutory fees, including, but not limited to, fees set forth in Fish and Game Code Section 711.4.

V. How Does the Commission Evaluate and Process the Application?

Criteria for evaluation. The State Lands Commission evaluates applications for land use leases to determine whether the proposed activity:

A. Is consistent with the various trusts under which the lands are held;
B. Is acceptable environmentally;
C. Will affect the value of state lands; and,
D. Will be in the best interest of the people of California.

Procedures. When an applicant submits an application to the State Lands Commission, the Public Land Manager for the respective area reviews the application for completeness and accuracy. The applicant will be advised within 30 days whether the application is complete or incomplete. If the application is incomplete, the Public Land Manager will ask the applicant for additional information and inform the applicant when the application is complete.

The Public Land Manager sends a description of the land to the Commission's Boundary Unit. The Boundary Unit reviews the description of the land to determine the extent of state land involved and to prepare a description of the lands to be leased. The Public Land Manager also refers the application to the Commission's environmental staff to determine whether an environmental study is required. If necessary, additional environmental data may be requested from the applicant.

The Public Land Manager ascertains whether the project requires the Commission to charge rent for the land. If the project requires rental, the Commission appraises the lands involved and determines an appropriate rental for the lease area. The Commission processes appraisals on a first-come, first serve basis, unless it is determined that special processing is necessary to avoid economic hardship or loss.

The Commission may charge the applicant rental fees, royalties, or other fees. Generally, the Commission charges a minimum annual rent currently equal to 9% of the appraised value of the property. It may also charge on the basis of volume of percentage of gross income, or the volume of minerals extracted, or any other method consistent with prudent land management practices.

When the Commission is the CEQA lead agency, the Public Land Manager works with the environmental staff to prepare any environmental documents that are required. The draft environmental document is then sent to the State Clearinghouse for circulation to and review by state agencies. The applicant is responsible for the cost to prepare and process such documents.

After the Commission has submitted the environmental document to the Clearinghouse, it prepares all necessary legal documents for the proposed project. The Public Land Manager forwards all comments to the applicant. When the Commission is satisfied that the project has no negative consequences or has overriding reasons for approval, the environmental staff prepares the final environmental document.

The Public Land Manager submits the final environmental document, the application materials, and the legal documents to the Commission. The Public Land Manager also sends the lease document to the applicant for signature.

A majority vote of the Commission is required to approve a lease or permit application. If the Commission approves a lease, the Public Land Manager forwards a copy to the applicant. Generally, the Commission meets no more than once a month. An applicant should allow adequate lead time to secure the Commission's consideration of an application.

Appeals. An applicant may not appeal the Commission's permit decision. However, denied applicants may ask for reconsideration or submit a new application for Commission processing.

VI. What are the Applicant's Rights and Responsibilities After the Permit is Granted?

Rights. The Commission describes the applicant's rights in the lease documents. The rights and conditions vary depending upon the approval activity and the state land affected. The lease limits the applicant's rights to those essential activities expressly authorized by the lease.

The Commission issues land use leases for varying periods of years with a rent review at five-year intervals. In no event will any lease term exceed 49 years. Applicants proposing to renew a lease must submit an application for a new lease term on the form provided by the Commission at least six months before the original lease expires.

Responsibilities. An applicant must begin operating under the terms of the lease within the schedule provided in the lease or the Commission may terminate the lease. An applicant must also maintain all facilities located on state lands and must agree to take all reasonable precautions to prevent pollution or contamination of the environment. Most land use leases require the project applicant to obtain and maintain liability insurance and/or a performance bond. Failure to provide and maintain insurance and bonds will likely result in termination of the land use lease. A State Lands Commission lease is a binding contract. Failure to comply with all lease terms and conditions may result in termination of the lease and possibly a lawsuit for ejectment and damages.

VII. What are the Commission's Rights and Responsibilities After the Permit is Granted?

Rights. The Commission may terminate leases and assess damages if the applicant fails to comply with the terms and conditions of the permit.

Responsibilities. The Commission must manage all lands under its jurisdiction in the best interests of the people of California.

VIII. What Other Agencies Should the Applicant Contact?

Applicants for land use leases should consider whether the following agencies must issue permits for the proposed project:

A. *Local* – city, county and special district

B. *State* – Coastal Commission (Coastal projects)
Department of Fish and Game
The Reclamation Board
Regional Water Quality Control Board
San Francisco Bay Conservation and Development Commission (S.F. Bay and Delta)
Solid Waste Management Board
Tahoe Regional Planning Agency (Lake Tahoe Projects)

C. *Federal* – United States Army Corps of Engineers
United States Coast Guard
United States Bureau of Reclamation

IX. What Other Sources of Information are Available to the Applicant?

Applicants may refer to the publication listed below for further information about land use leases:

A. California Code of Regulations, Title 2, Division 3, Section 1900 et seq.; and,
B. Public Resources Code, Section 6000 et seq.

These publications are generally available at county law libraries, the State Library in Sacramento, and the State Lands Commission offices in Sacramento and Long Beach.

CALIFORNIA FILM COMMISSION

Film Permits

I. Who Needs Film Permits?

In general terms, a film permit is required when the project is not for home viewing. This includes, but not limited to, the following types of projects:

Planned/scheduled editorial news tapings (includes interviews)
Commercial still photography (includes personal portfolios)
Student film and still photography projects
Industrials
Commercials
Music videos
Public Service Announcements
Directors reels
Feature films

Film permits serve to protect a resource, and to secure a specific location for the photographer or film maker. Requests to film are evaluated to determine any impact to a specific location as wells as determine any conflicting schedules.

II. Where should the Photographer/Filmmaker Applicant Apply?

For use of state owned and operated properties, filmmakers apply directly to the California Film Commission (CFC). The CFC acts as a one-stop film permit office, representing all state agencies. The film permit coordinator is at 1-800-858-8749. The address is:

California Film Commission
6922 Hollywood Blvd. Room 600
Hollywood, CA 90028
(213) 736-2465

III. What Information Should the Photographer/Filmmaker Submit Upon Application?

Names, addresses, and telephone numbers of the production company, the location manager, and the producer or production manager.

Description of the location to be filmed at. This may include a specific section of roadway, a park, a state building, and other locations.

Description of the activity to be performed, such as running shots, drive bys, helicopter filming, interiors, exteriors.

The equipment being brought to the property should be identified, such as trucks, cranes, and tripods.

Insurance documentation as required by the coordinating agency.

IV. What Are the Costs for Film Permits?

Costs vary depending on the permitting authority. The CFC does not charge for the use of state property for film details. There are no location fees or permit fees. The only expense is for reimbursement of employee time when applicable, parking fees when applicable, and supplies and materials, such as gasoline. All fees are subject to change.

V. How Does the CFC Evaluate and Process the Application?

Although not the approving authority for state property, the CFC acts as the liaison between the photographer/filmmaker and the state. The CFC evaluates film requests for clarity. In order for a request to be evaluated properly, specific information is required, including dates, times and activities. The CFC determines which state agency has jurisdiction for approval, and determines that insurance requirements have been met.

The CFC verifies all pending approvals from appropriate state agencies and validates all insurance data before film permits are releases to the applicant. The average turnaround for a film permit is two days, with more complicated requests taking up to five days. All requests for state property are evaluated individually, based on the impact to the resources, the public, and the filmmaker.

VI. What are the Applicant's Rights and Responsibilities after the Permit is Granted?

All information provided to the CFC is available to the public. It is used for tracking production in California as well as other data management functions. Public viewing of this information is available by appointment, although rarely requested.

Production companies are responsible for following the guidelines identified in their film permit. These guidelines are often provided for protection of the resource and safety of the filmmaker. Filming on state property is subject to monitoring at any time, although not always at the filmmaker's expense. Film permits may be revoked when permit conditions are violated.

VII. What Other Information is Available to Photographers/Filmmakers?

The CFC has a network of film liaisons throughout the state, whose purpose it is to streamline the permit process whenever possible. The CFC also provides a model ordinance as an example of a simplified permit process, available to every city and county jurisdiction in the state.

FEDERAL PERMITS

THE UNITED STATES DEPARTMENT OF AGRICULTURE

USDA Forest Service

I. Who Needs a Forest Service Permit?

Virtually all development activity on or requiring access over or through lands under the management of the USDA Forest Service (FS) will require one or more "Use" or Authorization Permits issued by the Forest Service. Timber harvesting, mining, and grazing are singled out for "Specific Use" program permits. All other uses are considered "Special Use" and are generally subject to the Rules and Regulations specified in 36 CFR Part 251.50-251.64 exclusive.

Grazing and Livestock Use (36 CFR, Part 222)

All grazing and livestock use on National Forest System Lands and on other lands under Forest Service control must be authorized by a Grazing or Livestock Use Permit.

The Code of Federal Regulations (CFR) sets the rules under which livestock operations will be conducted in order to meet the multiple-use, sustained yield, economic, and other needs and objectives for the lands involved. Allotment Management Plans prescribe the manner in and extent to which these operations will be carried out on a site-specific basis.

Grazing and livestock use permits convey no right, title, or interest held by the United States in any lands or resources.

Sale and Disposal of Timber (36 CFR, Part 223)

Trees, portions of trees, and other forest products on National Forest System lands may be disposed of for administrative use by sale or without a charge, as may be most advantageous to the United States. Most of the wood products disposed of by administrative use are in the form of personal fuelwood permits to individuals and families for home use and are subject to a maximum quantity set on each National Forest.

The Forest Service will insure that each permit for timber is consistent with applicable land and resource management plans and environmental quality standards. The key factors include:

A. Fire protection and suppression;
B. Minimizing additional soil erosion;
C. Insuring favorable conditions of water flow and quality;
D. Protection of residual timber; and,
E. Regeneration of timber.

The Code of Federal Regulations prescribes the manner in and extent to which timber sales and uses will be conducted and specifies the conditions of the sale or use and/or cancellation of same.

Mineral Exploration and Mining and Leasing Activities (36 CFR Part 228)

Title 36, Section 228 of the Code of Federal Regulations sets the rules and procedures through which the surface of National Forest System Lands may be used in conjunction with operations authorized by the United States Mining and Mineral leasing laws, and the sale of mineral materials. For information regarding hard rock mineral leasing on National Forest System administered lands refer to 43 CFR 3500.

The minerals authorities are grouped into three broad categories: locatable, salable, and leasable. Locatable minerals are those like gold, silver, copper, and certain other minerals of rare occurrence or specialized value that are available for exploration and development by mining claims under the Mining Law of 1872. Salable minerals are the common varieties of sand, gravel, stone, and cinders and other minerals of widespread occurrence, which are available under a contract sale or permit from the Forest Service. The leasable minerals are oil and gas, geothermal steam, potash, phosphate, sodium, and similar minerals, and are available through a lease from the United States Department of the Interior. The Forest Service regulates the surface uses associated with these leases.

The procedural requirements generally provide that a Notice or Plan be filed with the Forest Service District Ranger by any person proposing to conduct operations which might cause disturbance of the surface resources. For locatable (mining claim) operations, a Notice of Intent should include enough information about the proposed activity to allow the District Ranger to identify the area involved, the nature of the proposed operations, the route of access to the area and the method of transport. If the District Ranger determines that such operations will likely cause significant disturbance of surface resources, the operator will be required to submit a more detailed Plan of Operations, which must include:

A. The name and legal mailing address of the operators (and claimants if they are not the operators) and their lessees, assigns, or designees.
B. A map or sketch showing information sufficient to locate the proposed area of operations on the ground, existing or proposed access roads or access routes, and the approximate location and size of areas where surface resources will be disturbed;
C. Information sufficient to describe the type of operations proposed and how they will be conducted;
D. Description of the type and standard of the existing or proposed roads or access routes;
E. Identification of the means of transportation to be used in connection with the operations;
F. The period during which the activity will take place;
G. The measures to be taken to meet the requirements for protection of air quality, water quality, scenic values, solid wastes, fisheries and wildlife habitat, roads and for reclamation of the site.

Proponents for operations under the salable minerals laws must submit an Operating Plan to the District Ranger for prior approval. The Plan must include, as a minimum, a map and explanation of nature of the access, a description of the anticipated activity and surface disturbance, and the intended reclamation including the removal or retention of structures and facilities.

Activities on the National Forests for the exploration and development of leases from the Department of the Interior must be initiated with the Department of Interior. The Forest Supervisor will review proposed operating plans from the USDI, and shall advise the USDI of the terms and conditions required for the protection of surface resources. The Forest Supervisor will also monitor those approved operations for compliance with stipulations.

All uses of National Forest System land, improvements, and resources, except those provided for in Sections 222, 223, and 228 are designated **"Special Uses,"** and must be authorized by an authorizing officer.

Recreation Special Uses (36 CFR 251.50)

Recreation special use authorizations are issued to private parties, groups, other public agencies, public and private institutions, and private business that provide accommodations and services on NFS land. The kinds of recreation activities requiring permits generally fall into one of three categories:

1. Private uses, such as recreation residences (in this category, permits are not required for non-commercial use or occupancy of the national forests for camping, picnicking, hiking, fishing, hunting, horse riding, boating or similar recreational activities;
2. Semi public non-commercial services, such as fishing tournaments, and other group events; and,
3. Commercial services provided for the benefit of the general public.

II. Where Should the Developer-Applicant Inquire?

The developer-applicant should direct any inquiries and/or permit applications to the appropriate Forest Service Office.

Angeles National Forest
Supervisor's Office
701 North Santa Anita Avenue
Arcadia, CA 91006
(818) 574-1613

Cleveland National Forest
Supervisor's Office
10845 Rancho Bernardo Road
San Diego, CA 92127-2107
(619) 673-6180

El Dorado National Forest
Supervisor's Office

Inyo National Forest
Supervisor's Office

100 Forni Road
Placerville, CA 95667
(916) 622-5061

Klamath National Forest
Supervisor's Office
1312 Fairlane Road
Yreka, CA 96097
(916) 842-6131

Lassen National Forest
Supervisor's Office
55 South Sacramento Street
Susanville, CA 96130
(916) 257-2151

Mendocino National Forest
Supervisor's Office
420 East Laurel Street
Willows, CA 95988
(916) 934-3316

Plumas National Forest
Supervisor's Office
159 Lawrence Street
Quincy, CA 95971
(916) 283-2050

Sequoia National Forest
Supervisor's Office
900 West Grand Avenue
Porterville, CA 93257-2035
(209) 784-1500

Sierra National Forest
Supervisor's Office
1600 Tollhouse Road
Clovis, CA 93612
(209) 487-5155

Stanislaus National Forest
Supervisor's Office
19777 Greenley Road
Sonora, CA 95370
(209) 532-3671

873 North Main Street
Bishop, CA 93514
(619) 873-2400

Lake Tahoe Basin Mgmt. Unit
P.O. Box 731002
870 Emerald Bay Road, Suite 1
South Lake Tahoe, CA 96150
(916) 573-2600

Los Padres National Forest
Supervisor's Office
6144 Calle Real
Goleta, CA 93117
(805) 683-6711

Modoc National Forest
Supervisor's Office
441 North Main Street
Alturas, CA 96101
(916) 233-5811

San Bernardino National Forest
Supervisor's Office
1824 South Commercenter Circle
San Bernardino, CA 92408-3430
(714) 383-5588

Shasta-Trinity National Forest
Supervisor's Office
2400 Washington Avenue
Redding, CA 96001
(916) 246-5222

Six Rivers National Forest
Supervisor's Office
500 5th Street
Eureka, CA 95501
(707) 442-1721

Tahoe National Forest
Supervisor's Office
631 Coyote Street
P.O. Box 6003
Nevada City, CA 95959-6003
(916) 265-4531

III. What Other Sources of Information are Available to the Developer-Applicant?

Developer-applicants may refer to the following publication for further information:

A. 36 *Code of Federal Regulations*, Parts 222 et seq.

UNITED STATES ARMY CORPS OF ENGINEERS

Department of the Army Section "404" Permit

I. Who Needs a “404” Permit?

Any person or public agency proposing to locate a structure, excavate, or discharge dredged or fill material into waters of the United States or to transport dredged material for the purpose of dumping it into ocean waters must obtain a Corps' permit. Typical activities requiring permits include artificial canals, artificial islands, beach nourishment, boat ramps, breakwaters, bulkheads, dams, dikes, development behind dikes in coastal areas, weirs, discharging sand, gravel, dirt, clay, and stone, and activities that affect dolphins, dredging, filling, groins and jetties, intake pipes, levees, mooring buoys, ocean dumping, outfall pipes, overhead power crossings, pipes and cables, piers and wharves, riprap, road fills, signs, and tunnels.

The Army Corps permit authority derives from the Federal Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection, Research, & Sanctuaries Act. These Acts give the Army Corps jurisdiction over all waters of the United States include, but are not limited to, the following: perennial and intermittent streams, lakes, ponds, as well as wetlands in marshes, wet meadows, and side hill seeps.

II. Where Should the Developer-Applicant Apply?

Permit applications should be directed to the appropriate District Office of the Corps of Engineers. The Districts follow watershed boundaries which are shown on the map.

III. What Information Should the Developer-Applicant Provide Upon Application?

The developer-applicant should submit ENG Form 4345, "Application for a Department of the Army Permit," which requests the following information:

A. A detailed description of the proposed activity, including the purpose, use, type of structures, type of vessels that will use the facility, facilities for handling wastes, the type, composition and quantity of dredged or fill material, and location of the disposal site;
B. Names and addresses of adjoining property owners, others on the opposite side of streams or lakes, or those whose property fronts on a cove and who may have a direct interest because they could be affected by the project;
C. Complete information about the location, including street number, tax assessor's description, political jurisdiction, and name of waterway in enough detail so that the site can be easily located during a field visit;
D. A list of the status of all approvals and certifications required by federal, state, and local governmental agencies;
E. An explanation of any approvals or certifications denied by other governmental agencies; and,
F. Names and addresses of the applicant and the authorized agent (if any), and dates on which the project will begin and end. The developer-applicant must also submit one set of 8-1/2" X 11" original drawings or good copies which show the location and character of the proposed activity, including:
    1. A vicinity map with the name of the waterway, location of the activity, political boundaries, roads, graphic scale, and a north arrow;
    2. A plan view showing tidal waters, existing shorelines, water depths, principal dimensions of any proposed structures, volume and type of fill, and identification of any wetlands, swamps, bogs, and marshes; and,
    3. An elevation or section view of the proposed project.

IV. What Application Fee Should the Developer-Applicant Submit?

The developer-applicant must pay a fee of $100 for commercial or industrial projects and $10 for noncommercial projects. There is no fee for public entity applicants. There is no fee if the applicant withdraws the application or if the application is denied. The application fee is not submitted until the Corps forwards a draft permit to the applicant for signature. The fee is returned with the signed draft permit.

V. How does the Corps of Engineers Evaluate and Process the Application?

Criteria for evaluation. The decision whether to grant or deny a permit is based on a public interest review of the probable impacts of the proposed activity and its intended use. Benefits and detriments are balanced by considering effects on such items as: conservation, economics, wetlands, fish and wildlife values, flood hazards, navigation, water quality and the needs and welfare of the people. In addition, projects involving discharge of dredge or fill material into the waters of the United States must comply with the Section 404(b)(1) guidelines prepared by the Environmental Protection Agency. The guidelines restrict discharges into aquatic areas when there are less environmentally damaging, practicable alternatives. Reasonable and practicable mitigation of unavoidable impacts will be required. A permit will be granted unless the project is found to be contrary to the public interest or fails to comply with the guidelines.

The Corps of Engineers is required by federal law to consult with state and federal wildlife agencies regarding any impacts of a project on aquatic habitats and on federal endangered species.

Procedures. The Corps acknowledges and processes each application in the order it receives them. If the application is incomplete, the Corps requests additional information. It notifies the developer-applicant when applications are complete.

The Corps informs government agencies, individuals, and special interest groups of most projects by circulating a Public Notice for 30 days. If the Corps receives no objections to the proposed project, the District Engineer may issue the permit within 30 to 90 days. If individuals, public agencies, special interest groups, or the Corps raises major objections, the permit decision will usually be made in 90-120 days. If the project results in significant environmental effects, the Corps may prepare an Environmental Impact Statement (EIS) required by the National Environmental Policy Act. If a project requires an EIS, the Corps will hold public hearings to gather additional information and identify significant issues. The permit review process may take a year or more when an EIS is needed. If the project involves a discharge of dredged or fill material or excavation in “waters”, including wetlands, then Water Quality Certification is required from the Regional Water Quality Control Board with jurisdiction in the project area. This is known as a "401 Water Quality Certification."

After the Corps completes its review of a project and determines that a project is in the public interest and complies with the guidelines, the developer-applicant must sign and return the draft permit with the appropriate fee.

Appeals. The Corps of Engineers currently has no formal procedure for appeals. The Corps anticipates the establishment of an administrative appeals process, after a public rulemaking process, for review of the Corps' determination that it has regulatory jurisdiction over a particular parcel of property and permit denials.

The developer-applicant may modify the original project design to remove objectionable features and reapply to the Corps.

VI. What are the Developer-Applicant's Rights and Responsibilities After the Permit Is Granted?

Rights. The developer-applicant may make minor changes to the project with the Corps' permission.

Responsibilities. The permit holder must follow the terms and conditions listed in the permit. Violations may result in civil and criminal court action and removal of structures and materials.

Fees are subject to change.

VII. What are the Corps' Rights and Responsibilities After the Permit Is Granted?

Rights. The Corps of Engineers may inspect the project to determine whether the developer-applicant has followed all permit conditions.

Responsibilities. The Corps must protect the quality of our nation's water resources, maintain water quality by protecting the waters of the United States from significant degradation resulting from the discharge of dredged or fill material, protect unreasonable alteration or obstruction of navigable waters of the United States, and control dumping of dredged material into ocean waters.

VIII. What Other Agencies Should the Developer-Applicant Contact?

An applicant should consider if the agencies listed below must issue permits, certify, or approve the project:

A. *Local* – city, county, or special district

B. *State* –
Coastal Commission
Department of Fish and Game
Regional Water Quality Control Board
San Francisco Bay Conservation and Development Commission
State Energy Commission
State Lands Commission
Tahoe Regional Planning Agency
The Reclamation Board

C. *Federal* –
United States Bureau of Reclamation
United States Coast Guard
United States Environmental Protection Agency
United States Fish and Wildlife Service
National Marine Fisheries Services

IX. What Other Sources of Information are Available to the Developer-Applicant?

Developer-applicants may refer to the following publications for further information:

A. *U.S. Army Corps of Engineers Regulatory Program: Applicant Information,* EP 1145-2-1, May 1985;
B. 33 *Code of Federal Regulations,* Parts 320-330;
C. 40 Code of Federal Regulations, Part 230
D. *Clean Water Act,* Section 404;
E. *Marine Protection,* Research and Sanctuaries Act, Section 103. and,
F. *River and Harbor Act of 1899,* Section 10.

These publications are generally available at the Corps' District Offices and county law libraries.

United States Army Corps of Engineers

District Offices

San Francisco District
Corps of Engineers
211 Main Street
San Francisco, CA 94105-1905
(415) 744-3036

Sacramento District
Corps of Engineers
1325 J Street
Sacramento, CA 95814
(916) 557-5250

Los Angeles District
Corps of Engineers
300 North Los Angeles Street
Los Angeles, CA 90012
(213) 894-5606

THE UNITED STATES DEPARTMENT OF INTERIOR

Bureau of Land Management (BLM)

Virtually all development on or requiring access across lands under the management of the Bureau of Land Management (BLM) will require one or more "use" or authorization permits issued by the BLM.

Minerals Program

A. ***Locatable Minerals***

Notification Requirements:

When locating a mining claim on any open federal lands (BLM/Forest Service) in California, the location notice must be recorded within 90 days with the BLM at 2800 Cottage Way, Sacramento, CA 95825. (43 CFR 3833)

Any mining claims located on lands withdrawn or reserved for poser development when recorded with the BLM must be marked Public Law (or PL) 359. (43 CFR 3730)

For mining claims, either a maintenance fee of $100 per claim or a maintenance fee payment waiver certification is due August 31 of each year to the BLM address above. The maintenance fee or waiver is a filing made in advance for the upcoming assessment year beginning September 1. Only claimants holding ten or fewer claims may apply for a waiver, proof of annual assessment work must be recorded by December 30 with BLM. (43 CFR 3833). Please check with BLM for a fee schedule for recording documents.

Permit Requirements:

Surface disturbing activities require the submission of a "plan" or "notice" to BLM or Forest Service for their review and action. (43 CFR 3802 or 3809, or 30 CFR 228).

B. ***Leasable Minerals***

Coal, phosphate, sodium compounds, potash (potassium) compounds on public lands or "hardrock" minerals on acquired lands are available by lease. Subsequent operations require an approved plan, permit, or notice. (43 CFR 3400 & 3500)

C. ***Salable Minerals***

Sand, gravel, fill, decorative stone, construction aggregate are permitted for fair market value under contract from BLM. (43 CFR 3600)

Municipalities and non-profit organizations may receive those materials for free.

D. ***Oil and Gas***

Onshore oil and gas leases may be obtained through oral competitive bidding. Parcels not receiving bids may be purchased non-competitively. Applications for Oil and Gas leases must be filed with the BLM Office in Sacramento. Subsequent activities require a plan, permit, or notice. (43 CFR 3100)

Seismic prospecting may be initiated without a lease under 43 CFR 3100, but an approved permit is required.

E. ***Geothermal***

Lands not within a known Geothermal Resource Area (KGRA) are open to noncompetitive leasing. Lands within a KGRA are leased competitively (43 CFR 3200).

Proposals for initial exploration activities on unleased BLM lands are submitted to BLM for review and action (43 CFR 3209). Proposals for exploration and development on leases are also submitted to BLM for review and action (43 CFR 3250 & 3260).

Forestry Program

Timber Resources:

A contract is required for removal of timber and other vegetation resources for commercial or domestic use. Timber includes sawtimber, fuelwood, poles, posts, and any standing trees, down trees and logs capable of being measured in board feet. Other vegetative resources includes Christmas trees, cones, boughs, manzanita, moss, and many other unspecified products all of which are salable.

Road Construction and/or Hauling

New road construction or commercial hauling of private timber across BLM land requires a right-of-way grant from BLM.

Lands Program

Uses and projects requiring right-of-way grants or temporary use permits include access roads, utility lines, communication sites, or any other uses that involves the placement of either temporary or permanent improvements upon BLM lands. In addition, any activity that involves physical disturbance to the land or vegetation requires a permit, i.e., brush removal or test hole drilling. Other long-term occupancy or use of BLM land may also be authorized by a lease. Applications must be filed with the local BLM office.

Range

The use of BLM lands for grazing of any livestock requires a grazing permit or lease.

Where Should the Developer-Applicant Inquire?

Main Office:

U.S. Department of the Interior,
Bureau of Land Management,
California State Office
2800 Cottage Way, Room E-2807
Sacramento, CA 95825
(916) 978-4754
State Director, Ed Hastey

California Desert District
6221 Box Spring Boulevard
Riverside, CA 92507
(909) 697-5200
Henri Bisson, District Mgr.
Fax (909) 697-5299

District Offices:

Bakersfield District
3801 Pegasus Drive
Bakersfield, CA 93308
(805) 391-6000
Ron Fellows, District Mgr.
Fax (805) 391-6072

ENVIRONMENTAL REVIEW PROCESS STATE AND FEDERAL

NEPA AND CEQA: Making Them Work

The implementation of Presidential Executive Order 12372, "Intergovernmental Review of Federal Programs" requires Federal agencies to use State and local processes of intergovernmental coordination for review of proposed federal development or disposal activities as well as the associated environmental documentation and ultimate land use decisions.

In California, the State Clearinghouse (SCH) serves as the single point of contact responsible for transmitting State and local comments developed under the auspices of the Order. The California Office of Permit Assistance (COPA) is designated as a potential mediator to resolve any disputes that arise from the joint review process.

Federal and State environmental regulations have provisions which permit the preparation of joint environmental documents, thereby, satisfying both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). California ***CEQA Guidelines*** contain clear authority for State and local agencies to prepare joint environmental documents with federal agencies. ***NEPA Regulations*** issued by the President's Council on Environmental Quality contain similar provisions.

When a project requires both State and federal action or where the action may have significant environmental consequences on the resources of either the State or the federal government, the use of a joint document may reduce delay and may lead to more consistent decision-making. For a project with no significant environmental impacts, "Negative Declarations" (Neg. Dec) and "Findings of No Significant Impact" (FONSI) may be prepared jointly or may be used interchangeably. For a project that may have significant environmental impacts, and Environmental Impact Report (EIR) and Environmental Impact Study (EIS) may be combined.

There are three basic rules to follow in preparing an adequate joint document:

1. The lead agencies should sit down together as *early in the planning process as possible* to agree to prepare a joint document before either of the agencies commences a separate document.
2. The joint document ***must*** include all of the required contents *of both federal and State* law and regulations.
3. The joint document must satisfy the public review and notice requirements of *both federal and State* law and *regulation*.

The California Supreme Court interpreted CEQA for the first time in 1972 in a landmark case entitled *Friends of Mammoth v. Board of Supervisors*. That decision announced that CEQA must be interpreted so ***"as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language"*** and subsequently set the stage for differential application of the environmental review process between State and Federal projects.

Conceptual Differences Between NEPA and CEQA

In general, according to the California courts, CEQA differs from NEPA in that "the state statute places a relatively higher value on environmental protection compared with economic growth". Under NEPA, the federal government is required "only to give appropriate consideration to environmental values". California statutes indicate that the environment is of paramount concern and further a sense of urgency is conveyed.

Under NEPA, a federal review must evaluate all reasonable alternatives and must suggest appropriate mitigation measures. **But**, there is no mandatory duty to act on those proposals even if they are feasible. To this end, the U.S. Supreme Court has held that NEPA is essentially procedural and the only role for the court is to ensure that the agency has considered the environmental consequences of its action.

In direct contrast, CEQA requires agencies to implement feasible mitigation measures or alternatives that will reduce project related environmental consequences below the level of significance. Therefore, an agency cannot satisfy the statute simply by considering the environmental impacts of a proposed project.

To help you with this critical distinction which is the key to understanding the dilemma presented therein as well as to effectively utilizing the CEQA process, let's remember that once alternatives or mitigation measures have been identified, the responsible State or local agency must determine whether the options presented are feasible. If they are, the agency must adopt them, or the project ***may not*** be approved.

NEPA mandates that an action be presented as a concept with several levels of alternatives presented along with the preferred action. The actual approved alternative comes as a result of the *process*. CEQA, on the other hand, mandates that a definitive project be proposed and alternatives are to be developed for comparative analysis purposes. In other words, NEPA picks the project whereas CEQA defines the mitigation and determines whether the project as proposed and mitigated can proceed. Under CEQA, if the environmental consequences of a proposed action can not be mitigated below the level of significance, the proposed action can not occur (unless a finding of specific overriding considerations is made).

State Clearinghouse
Governor's Office of Planning and Research
1400 10th St., Rm. 121
Sacramento, CA., 95814.
(916) 445-0613

California Office of Permit Assistance
California Trade and Commerce Agency
801 K St., Suite 1700
Sacramento, CA, 95814
(916) 322-4245.
1-800-353-2672

CEQA and NEPA Procedures

General Comments

The main procedures under CEQA and NEPA are presented in Table 1, with CEQA procedures on the left-hand side of the table and NEPA procedures on the right. Similar procedures are presented next to one another for general comparison purposes. The remainder of this section is divided into two subsections (CEQA and NEPA) which provide definitions of procedure terminology and explanations of timing considerations.

Table 1

PROCEDURES UNDER CEQA AND NEPA

CEQA	NEPA
• Submission of Permit Application	• Submission of Permit Application
• Determination of Permit Application within 30 days of Completeness receipt	• Determination of Permit Application Completeness
• Lead Agency prepares Initial Study	• Lead Agency conducts Environmental Assessment
• Decision to prepare EIR within 30 days after Permit Application completeness is determined	• Decision to prepare EIS
• Notice of Preparation (NOP)	• Notice of Intent (NOI)
	• Formal Scoping
• Lead Agency prepares Draft EIR	• Lead Agency prepares Draft EIS
• Notice of Completion (NOC)	• Federal Register Notice
• Public Notice of Availability of Draft EIR	• Public Notice of Availability of Draft EIS
	• Circulation by Lead Agency of Draft EIS
• Public Review Period (30-90 days) and Agency Consultation	• Public Review Period including Public Meetings (45 days typically)
• Lead Agency responds to comments and prepares Final EIS	• Lead Agency responds to comments and prepares Final EIR
	• Federal Register Notice
	• Public Notice of Availability of Final EIS
	• Distribution of Final EIS
• Certification of Final EIR by Lead Agency	
• Lead Agency approves project	• Lead Agency approves project
• Notice of Determination (NOD)	• Record of Decision (ROD)
• (Statute of Limitations period is 30 days following filing of NOD)	
• Disposition of Final EIR	• Public Notice of Availability of ROD

CEQA

Overall Timing – The CEQA lead agency completes and certifies the Final EIR and acts to approve or disapprove the project within one year from the date the lead agency accepted as complete the applicant's permit application. This schedule may be extended 90 days with the consent of the lead agency and the applicant. Furthermore, the lead agency may waive the one-year time limit altogether for an EIR at the request of the applicant. This requires that the applicant petition the lead agency and state that the project satisfies certain criteria established by CEQA such as preparation of an EIR/EIS.

Notice of Preparation – After deciding to prepare an EIR, the lead agency prepares a Notice of Preparation (NOP) and sends it to responsible agencies, trustee agencies, involved federal agencies, and the State Clearinghouse if there is a state responsible or trustee agency. The NOP serves to familiarize the recipient agencies with the project, and should contain a description of the project, its location, and the probable environmental effects. Responses to the NOP must be provided to the lead agency by recipients of the NOP within 30 days of receipt of the NOP. NOP responses should identify the issues to be considered in the Draft EIR, including significant environmental issues, alternatives, mitigation measures, and whether the responding agency will be a responsible or trustee agency. Each response should address the specific concerns of that particular agency.

Notice of Completion (NOC) and Public Notice of Availability of the Draft EIR – Upon completion of the Draft EIR, an NOC is filed with the State Clearinghouse within the Office of Planning and Research. Its contents include a description of the project, the project's location, the location of publicly available copies of the Draft EIR, and dates specifying the duration of the public review period. When the EIR requires review through the State Clearinghouse, the cover form required by the Clearinghouse will serve as the NOC. Public notice of availability of the Draft EIR is made by notifying any parties that have requested such notification, and by one of three methods: 1) publication in a newspaper of general circulation; 2) posting on and off the project site in the area around the project; and 3) direct mailing to owners and occupants of property contiguous to the project site. Public notice of availability begins the formal public review period.

Public Review and Associated Agency Consultation – Interrelated with public review of the Draft EIR is agency consultation concerning the Draft EIR. The public review period may be from 30 to 90 days. During the review period, private parties and agencies are able to review the document and submit comments to the lead agency. The lead agency must consult with, and request comments on the Draft EIR from all responsible agencies, trustee agencies, and state, federal, and local agencies which exercise authority over resources which may be affected by the project. Public hearings are encouraged but are not mandatory. In cases where a state agency is the lead agency or a responsible agency, or where the project is of statewide, regional, or areawide significance, the Draft EIR is distributed to state agencies through the State Clearinghouse. Public review must then be at least 45 days. At the end of the state agency review period, state agency comments will be transmitted to the lead agency by the State Clearinghouse. This review period generally begins no more than two days after the document is received by the Clearinghouse.

Response to Comments – Upon completion of the public and agency review period, the lead agency must evaluate and respond to comments. The response must be in writing and describe the disposition of significant environmental issues raised. Particular attention must be paid to issues raised that are at variance with the lead agency's position. These comments must be addressed in detail with reasons why specific comments and suggestions were not accepted. The lead agency does not have to respond to comments that were submitted after the close of the noticed review period, but may address these comments if it so chooses.

Table 2

CONTENTS OF EIRs AND EISs

COMPONENT	*CEQA (EIR)*	*NEPA (EIS)*
Cover Sheet		X
Summary	X	X
Table of Contents	X	X
Purpose of and Need for Action	X	X
Project Description	X	X
Alternatives Description	X	X
Environmental Setting (EIR) or Affected Environment (EIS)	X	X
Mitigation Measures	X	X
Unavoidable Adverse Impacts	X	X
Relationship Between Local Short-term Uses of Man's Environment and the Maintenance and Enhancement of Long-term Productivity	X	X
Irreversible or Irretrievable Commitments of Resources	X	X
Economic and Social Effects (Optional)	X	X
Growth-Inducing Impacts	X	
Cumulative Impacts	X	
List of Preparers	X	X
Organizations and Persons Consulted	X	
Responses to Comments on DEIR and DEIS	X	X
List of Commentators	X	

Final EIR – Before making a decision on the project the lead agency prepares a Final EIR consisting of the Draft EIR or a revision of the Draft, comments and recommendations received on the Draft EIR, a list of persons or organizations who commented on the Draft EIR, and the lead agency response to significant environmental points raised during the comment period (see Table 2 for a listing of the contents of an EIR). The lead agency may provide public and agency review of the Final EIR before making a decision on the project, but such review is not required.

Certification of the Final EIR by the Lead Agency – The lead agency certifies that the Final EIR has been completed in compliance with CEQA. Furthermore, the lead agency certifies that the Final EIR was presented to its decision-making body, which reviewed and considered the information before acting on the project.

Project Approval – Before approving a project the lead agency must make written findings for each significant environmental effect. The possible findings are: 1) required changes in the project will mitigate significant effects; 2) such changes fall under the jurisdiction of another agency; or 3) specific economic, social, or other considerations make the identified mitigation measures not feasible. If the lead agency approves a project which will result in unavoidable adverse environmental effects, the agency must explain in writing the specific overriding social, economic, or other reasons for this decision.

Notice of Determination (NOD) – The lead agency files an NOD after approving a project. If a state agency is the lead agency, the NOD is filed with the State Clearinghouse within the Office of Planning and Research. If the lead agency is a local agency, the NOD must be filed within five working days of project approval with the county clerk of the county or counties in which the project will be located. If the project requires discretionary approval from a state agency, the notice shall also be filed with the Office of Planning and Research. Included in the NOD are the name and location of the project; the date of project approval; a description of the project; a determination of whether or not the project will have a significant effect on the environment; a statement that an EIR was prepared and certified; whether mitigation measures were made a condition of project approval; whether findings were made; and whether a statement of overriding considerations was adopted.

Statute of Limitations – Filing of the NOD begins a 30 day statute of limitations for legal challenges to project approval under CEQA. If an NOD is not filed, the statute of limitations is 180 days from the date of project approval. The statute of limitations period is not a waiting period. Following acquisition of the necessary permits, the project applicant is free to begin work on the project.

Disposition of Final EIR – After Certifying the Final EIR and approving the project, the lead agency must: 1) file a copy of the Final EIR with the planning agency for any locality in which significant environmental effects may occur; 2) include the EIR as part of the regular project report; 3) retain one or more copies as public records; and 4) require the applicant to provide a copy to each responsible agency.

NEPA

Notice of Intent (NOI) – After deciding to prepare an Environmental Impact Statement, the federal lead agency publishes an NOI in the Federal Register. The NOI includes a description of the proposed action including alternatives and the lead agency's proposed scoping process, and provides a project contact within the lead agency. Lead time must be considered when publishing notices with the Federal Register. A notice is published three days after the date it is received. For example, a notice received on Monday by the Federal Register will be printed the following Thursday. This three-day period does not include time, if necessary, for making changes to the NOI if it does not meet Federal Register document drafting requirements. The federal agency may provide local notice as well, when circumstances so warrant.

Formal Scoping – Scoping is the process through which the range of actions, alternatives, and impacts to be considered in the Environmental Impact Statement are identified. Significant issues are identified as well as issues which are not significant or have previously been covered by environmental review. Differentiating among the issues focuses the efforts of studies.

Public Notice of the Availability (NOA) of the Draft EIS – The lead agency must file five copies of the Draft EIS with the EPA's Washington, D.C. office, which publishes the NOA as part of a group of notices in the Federal Register. For all Draft EISs received by the close of business on Friday, the NOA will appear in the following Friday's Federal Register. The lead agency must also file several Draft EISs with the regional EPA office. No decision on the project can be made until after 90 days of the date the NOA is published in the Federal Register. The federal agency may also provide other notice, as necessary to advise other agencies and the public.

Circulation of the Draft EIS – The entire Draft EIS is circulated by the lead agency to: 1) the applicant; 2) any federal agency having jurisdiction over or expertise concerning an impact, 3) any agency having applicable environmental enforcement duties; and 4) any party who has previously requested a copy.

Public Review Period – The lead agency holds or sponsors public hearings or meetings, solicits appropriate information from the public by making available to the public the Draft EIS, comments received, and any other underlying documents. NEPA does not define the length of the public review period, although 45 days is typical.

Response to Comments and Final EIS – The lead agency prepares a Final EIS in which it assesses and considers comments received during the Draft EIS review period. Response to comments may consist of: 1) modification of alternatives including the proposed action; 2) development of new alternatives; 3) revision of the original analyses; 4) making factual corrections; and 5) explaining why the comments do no warrant further response. All substantive comments received during the Draft EIS review period should be attached to the Final EIS (see Table 2 for a listing of the contents of an EIS).

Public Notice of Availability (NOA) of the Final EIS – The NOA for the Final EIS must be published in the Federal Register by the EPA. The process is identical to the process described above for the Draft EIS. No decision on the project can be made until 30 days after the date the NOA is published in the Federal Register.

Distribution of the Final EIS – The distribution of the Final EIS is identical to the circulation of the Draft EIS except that in addition, the Final EIS is furnished to any party who has submitted substantive comments on the Draft EIS.

Record of Decision (ROD) – After approving or disapproving the project, the lead agency prepares an ROD. Included in the ROD are: 1) the decision; 2) identification of all alternatives considered and the environmentally preferable alternative(s); and 3) whether or not mitigation measures were adopted, and if not, why not. NEPA does not specify the means for making this public ROD available to the public. Some RODs are printed in the Federal Register.

EIR and EIS Contents

The required contents of EIRs and EISs are summarized in Table 2. As shown, the contents are similar, with several exceptions. A few of these exceptions are differences in the presentation of information common to both the EIR and EIS processes, and several exceptions are the inclusion or exclusion of certain impact analyses.

A cover sheet is required for an EIS but not for an EIR. Both contain a list of organizations and persons consulted. However, a list of commenting parties is required in an EIR but not an EIS. Also required in EIRs but not EISs are analyses of growth inducing impacts and cumulative impacts.

Table 3

TIME PERIODS FOR REVIEW OF ENVIRONMENTAL DOCUMENTS

APPENDIX A

Model Memorandum of Understanding (MOU)

Note: An MOU can be used for several purposes. State agencies, such as the Department of Toxic Substances Control and the Department of Fish and Game, may use an MOU to specify fee-for-service consultative assistance. Information in the MOU helps in the preparation of a technically complete document, such as an application, closure plan or CEQA document. A suggested MOU model follows.

Agreement Regarding the Preparation of a Joint Environmental Document for the
[*Project*]

This agreement is entered into this day of_____, 199__, by and between/among the following parties:

[*Agency A*], hereinafter referred to as _____;

[*Agency B*], hereinafter referred to as _____;

[*Agency C*], hereinafter referred to as _____; and

[*Project Sponsor/Applicant*], hereinafter referred to as _____; and

California Trade and Commerce Agency, Office of Permit Assistance (OPA).

WHEREAS, has proposed to [*Brief Project Description*], and has applied for the necessary approvals from Federal, State, [*and/or*] local agencies; and

WHEREAS, the [*Project Title*] Project, hereinafter referred to as "Project," may have a "significant effect on the environment" (as defined by the California Environmental Quality Act, hereinafter referred to as CEQA), including but not limited to impacts on air and water quality, fish, and wildlife, which must be considered by [*State and/or Local Agencies*] when reviewing and acting on projects pursuant to CEQA and other applicable State laws; and

WHEREAS, the environmental impact from the Project must also be considered by the [*Federal Agencies*] when reviewing and acting on projects pursuant to the National Environmental Policy Act, hereinafter referred to as NEPA, and other applicable federal laws; and

WHEREAS, Office of Permit Assistance is required by California Government Code Section 65923 to ensure compliance with California Government Code Sections 65920-65957 by State agencies; and

WHEREAS, the parties now desire to prepare an environmental document on the proposed Project that includes all relevant information and analysis before acting on the [*Applicant's*] applications; and

WHEREAS, it is the mutual beneficial interest of all parties to share in the task of preparation of an environmental study on the Project because the reduction of duplication in staff efforts, sharing of staff expertise and information already existing, and promotion of intergovernmental coordination at the State and federal levels will serve the public interest by producing a more efficient environmental review process.

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, it is agreed as follows:

1. THE STUDY

(A) Pursuant to this agreement, a joint environmental document, hereinafter referred to as the Study, shall be prepared on the Project, in accordance with NEPA, CEQA, _____. The Study shall address the

impacts on the environment of the Project and alternatives thereto, including but not limited to air and water quality and land use impacts of the proposed project and alternative proposals.

(B) In the event of disputes as to scientific issues relating to the Study, the Study shall contain conflicting viewpoints.

(C) In the event of disputes concerning mitigation measures the study shall identify the full range of measures under consideration.

2. AGENCY PROJECT REPRESENTATIVES AND THEIR DUTIES

(A) In the preparation of the Study, each decision-making agency shall be represented by its agency project representative or designee. Agency project representatives collectively referred to hereinafter as the Steering Committee:

Name

Agency

Address

Phone

[*for each agency named above*]

(B) The successful preparation of the Study requires complete and full communication between all parties involved. It is the duty of the agency project representatives to ensure close consultation throughout the document preparation and review process. The agency project representatives shall keep each other advised of the developments affecting the preparation of the Draft Study. Meetings of the Steering Committee shall be held as needed to ensure close consultation. A representative shall notify the other representatives in writing of a change in his or her address or telephone number.

(C) To the maximum extent practicable under existing laws and regulations, all parties agree to share all relevant information.

3. PROJECT COORDINATOR AND DUTIES

OPA hereby appoints the following project coordinator:

[*Project Coordinator*] _____

It shall be the responsibility of OPA to assist all participants in maintaining full communication and coordination throughout the preparation of the Study.

4. JOINT RESPONSIBILITIES OF THE [*All Agencies Involved*]

(A) The Steering Committee shall determine:

(a) The scope and content of the Study for the Project to ensure that the requirements of the various federal and state statutes, mentioned in 1 above, are met and that the statutory findings required of the [*agencies involved*] for their respective decisions on the Project can be made;

(b) The consultant who will prepare the Study;

(c) Whether the work performed by the consultant is satisfactory and, if not, how best to correct the deficiencies in the work; and

(d) The division of responsibilities among co-lead agencies.

(B) The agencies shall not be required to participate in the cost of the portion of the Study to be accomplished by the contract.

5. RESPONSIBILITIES OF STATE OR LOCAL LEAD AGENCY

6. RESPONSIBILITIES OF FEDERAL LEAD AGENCY

(The following responsibilities must be delegated among the two lead agencies:)

(A) Except as listed in 4 above, [*selected agency*] shall be solely responsible for entering into a contract with the selected consultant and administering the preparation of the Study for the Project.

(B) Between the receipt of the Draft Study and [*selected agency*] certification of the final Study, the [*selected agency*] shall prepare copies of all comments and proposed responses to the comments for review by the Steering Committee.

(C) In order to ensure that the Draft Study adequately considers their concerns, a preliminary Draft of the Study will be provided to the Steering Committee prior to official completion. (See timetable 7, below)

(D) In order to obtain comments from all public agencies and from the general public on the draft Study, [*selected agency*] shall conduct the first noticed public hearing on the draft Study (see timetable 7 below) with the joint participation of the [*Steering Committee*].

(E) The Final Study, including all comments received and the responses to the comments, including all comments submitted by the [*other agencies*] shall be prepared by the consultant under the [*selected agency's*] direction.

7. TIME LIMITS AND TIMETABLE

(A) The [*State and/or local agencies*] are required to approve or disapprove the Project based on the EIR, in conformance with the time schedule and procedures set out in California Government Code Sections 65920-65957.

(B) The [*federal agencies*] hereby agree to cooperate with [*State and/or local agencies*] in conformance with said time schedule and procedures. The agencies involved have agreed upon the following timetable:

Week No. :	*Following application filed with County/State – Federal Agency*
1	Application found to be complete.
2	Notice of Preparation/Intention sent to interested parties.
4	Scoping Meeting.
8	Request for Proposals for Study issued.
10	Pre-bid conference.
14	Proposals due to delegated co-lead agency.
16	Contractor selected.
18	Contract awarded.
27	Preliminary Draft Study reviewed by Steering Committee.
30	Draft Study received by [*co-lead agencies*].
36	First public hearing on Draft Study.
38	Continued public hearing on Draft Study.
43	Final Study received by agency project representatives.
48	Certification/Adoption of Final Study by co-lead agencies.
52	Decision on project.

The time limits established herein are maximum time limits for the agencies involved to reach a decision on the project. It is understood that best efforts will be made by all parties to comply with this timetable.

8. ASSESSMENT/CERTIFICATION OF COMPLETENESS OF FINAL STUDY

The agencies involved shall independently assess and certify the completeness of the final Study within the time constraints of California Government Code Sections 65920-65957.

9. CEQA CERTIFICATION BY STATE OR LOCAL LEAD AGENCY

Upon independent certification of the final study, notification shall be made by [*State and/or local lead agency*] , pursuant to CEQA. Thereafter, [*other affected agencies*] may consider and act on the Project, making the findings required by law. Unless an extension is otherwise previously agreed upon by all parties, this agreement shall expire on date of above notification.

10. NEPA CERTIFICATION AND DECISION BY FEDERAL LEAD AGENCY

The [*federal lead agency*] shall independently certify the final study and provide notice of the decision pursuant to applicable federal laws and regulations.

11. AGREEMENT COORDINATED WITH NEPA AND CEQA

Each agency shall be free to fulfill its statutory responsibilities, including permit issuance, in accordance with CEQA and NEPA requirements or other applicable statutes.

12. GENERAL AGREEMENTS

(A) The agencies further agree to take whatever further steps they deem necessary, including further agreements or amendments to this Agreement, in order to fulfill the purpose of this Agreement.

(B) Each provision of this Memorandum of Understanding is subject to the laws of the United States and the delegated authority in each instance.

(C) The agencies may terminate their participation in this agreement upon thirty days written notice served upon the other parties. The party electing to terminate the agreement shall state in writing its reason for desiring the termination and provide such to the other parties. During the ensuing thirty day period all parties shall actively attempt to resolve any disagreements so that the termination of this agreement may be avoided.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be duly executed on the respective dates set forth opposite their signatures.

[*SIGNATURE, DATES*]

APPENDIX B

Permit Streamlining Act

APPENDIX C

A Directory of Selected Federal Land-Use Programs

The following list of federal programs and statutes is limited to those with land-use components that are important for local planning. This directory provides a brief account of each program as it is currently constituted, describes the implications for local land-use decisions, and outlines major enforcement provisions as they affect local governments. There is also information about which agency is the lead agency for implementing the regulations.

Endangered Species Act

The Endangered Species Act , as amended (ESA), provides for the conservation of ecosystems upon which threatened species of fish, wildlife, and plants depend, both through federal action and by encouraging the establishment of state programs. The ESA: (1) authorizes the determination and listing of species as endangered and threatened, (2) prohibits unauthorized taking, possession, sale, and transport of endangered species, (3) provides authority to acquire land for the conservation of listed species, using land and water conservation funds, (4) authorizes establishment of cooperative agreements and grants-in-aid to states that establish and maintain active and adequate programs for endangered the threatened wildlife and plants, (5) authorizes the assessment of civil and criminal penalties for violating the Act or regulations, and (6) authorizes the payment of rewards to anyone furnishing information leading to arrest and conviction for any violation of the Act or any regulation issued thereunder. Contact the U.S. Fish and Wildlife Service, 911 NE 11th Ave., Portland, Oregon, 97232.

Wetlands And Clean Water Act

National wetlands policy emerges from a composite of statutes and regulatory agencies. Most significant are the requirements under the Clean Water Act (33 CFR 320-330), as enforced by the Army Corps of Engineers and the Environmental Protection Agency. Section 404 of the act prohibits the discharge of dredge or fill material into wetlands or other waters without the approval of the Secretary of the Army. In order to be permitted under Section 404 of the Clean Water Act, an activity must be found to be in compliance with the Section 404(b) (1) guidelines (40 CFR 230).

Because permits are issued through the district offices of the Corps, local governments can exercise a lot of authority in the development review process. For instance, if a municipality denies a permit or license, the Corps will normally deny its permit without prejudice until local authorization is obtained. Violators of the Clean Water Act are subject to judicial penalties as well as administrative civil penalties. For more information, contact the EPA Wetlands Protection Hotline at 1-800-832-7828 or the Army Corps of Engineers, 20 Massachusetts Ave., N.W., Washington, DC 20314.

Clean Water Act

Congress has provided EPA and the states with three primary statutes to control and reduce water pollution: the Clean Water Act, the Safe Drinking Water Act, and the Marine Protection, Research, and Sanctuaries Act.

Under the Clean Water Act , the states adopt water quality standards for every stream within their borders. These standards include a designated use such as fishing or swimming and prescribe criteria to protect that use. The Safe Drinking Water Act establishes national standards for drinking water quality. These standards represent the maximum containment levels allowable, and consist of numerical criteria for specified contaminants. The Marine Protection, Research, and Sanctuaries Act designates recommended sites and times for ocean dumping. Actual dumping at these sites require a permit. Contact the Office of Water Regulations and Standards, Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460.

Wild and Scenic Rivers

Under this program (36 CFR 297 and 43 CFR 8350), rivers can be designated for protection by Congress or by state legislatures. Once a river is designated, the Department of the Interior develops a comprehensive management plan for the protection of the river and its environs. Under the Federal Power Act, federal agencies are prohibited from licensing any water project on or directly affecting a designated component of the wild and scenic river system. The statute also limits federal agencies from licensing or aiding development on potential additions to designated areas.

The power of federal agencies to condemn land for protection of eligible rivers is limited if the land is zoned by a local jurisdiction. The act is further limited in that it cannot abrogate any existing private rights or contracts without consent of the private party.

Regional offices of the National Park Service assist local communities with river protection programs. Contact the National Park Service, Department of the Interior, P. O. Box 37127, Washington, DC 20013.

Clean Air Act

Ambient air quality standards for pollutants are defined by EPA to protect public health. The Clean Air Act (40 CFR 50-99) requires states to develop state implementation plans in order to achieve these standards according to certain timetables. The timetables depend on the severity of the air quality problems in the various are quality control regions. Specific standards that apply to facilities are set through regulations and permits. For some existing facilities, including the larger emitters of pollutants, these permits are federally enforceable. For new sources of pollution, a permit that sets pollution control requirements must be obtained prior to construction. In areas that have not met air quality standards, new sources or modifications may also have to obtain emission reduction credits that offset their emissions increases. In areas that are meeting air quality standards, sources must ensure that their emissions would not cause a violation of the ambient standard or degrade the air quality beyond certain levels.

Under the Clean Air Act, states may require that municipalities develop and implement transportation control measures. EPA may sue to restrain anyone causing or contributing to pollution that presents an imminent and substantial danger to human health. An individual also may bring suit against alleged violators. Contact the Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, NC, 27711.

Floodplains

The National Flood Insurance Act of 1968 establishes the National Flood Insurance Program (NFIP). The NFIP makes federal government-backed flood insurance available in those communities that choose to adopt and enforce a floodplain management ordinance which meets or exceeds the federal minimum requirements which are included in the Code of Federal Regulations 44, Sections 59 through 77. These regulations are designed to minimize flood damages within Special Flood Hazard Areas. For more information call the Federal Emergency Management Agency's San Francisco Regional Office at (415) 923-7177.

Historic Preservation

Federal Agencies must take into account the impact that proposed federal projects will have on these historic properties. The Advisory Council on Historic Preservation reviews these projects with the state historic preservation officer.

The National Environment Policy Act protects historic resources through its requirement for an environmental impact statement for major projects receiving federal funds. The Transportation Act also mandates that the Department of Transportation implement a strict review process for any project that requires the use of a historic site. There are no restrictions on private owners of historic properties as long as they do not receive federal assistance or approval. Contact the Advisory Council on Historic Preservation, 1100 Pennsylvania Ave., N.W., Washington, DC 20004.

Surface Mining Control and Reclamation Act

Under the Surface Mining Control and Reclamation Act (30 CFR 700-707), states must identify those areas unsuitable for mining. Each state establishes a regulatory procedure for granting permits based on the performance standards in the act.

The act has established a reclamation fund that distributes money to states with approved programs. The money, which comes from mandatory contributions by mine owners, is used for reclamation and restoration of land and water uses. The Department of the Interior can also acquire land that has been adversely affected.

In addition, funding is available from the Department of Agriculture, which is authorized to provide grants for land stabilization, erosion and sediment control, and reclamation. Contact the Office of Surface Mining, Reclamation, and Enforcement, Department of the Interior, 18th and C Streets, N.W., Washington, DC 20240.

Coastal Zone Management Act

State-level coastal zone management programs are funded through the Coastal Zone Management Act (15 CFR 923, 926-933). Each program is required to identify coastal areas of environmental concern and to establish a state or local mechanism for controlling incompatible uses within those areas. After the management program is approved, a state is eligible for grants to implement the federally approved state coastal management program, including preservation or restoration, redevelopment of certain urban waterfronts, or ports, and the provision of access to public beaches.

Contact the Office of Ocean Resource and Coastal Management, Conservation and Assessment, SSMC Bldg. 4, Room 11523, 1305 East West Highway, Silver Spring, MD 20910.

Federal Land Policy and Management Act (Public Lands)

The Bureau of Land Management develops and maintains federal land-use plans for public lands under the Federal Land Policy and Management Act (43 CFR, entire volume). The statute requires that the agency give adequate notice for public input, comment and participation in the formulation of these plans.

The Bureau manages and disposes of the public land it administers for a variety of uses, including improvement of public values, and granting of permits for special uses. These include, for example, permitting rights-of-way, entering into land exchanges to enhance threatened and endangered plant and animal species, permitting commercial filming, and for disposing of land to local governments for solid waste disposal sites.

The Bureau also issues permits to carry out archeological and paleontological investigations and surveys on the public lands; issues permits for a variety of recreational uses and for the removal of certain minerals on these lands; and permits the use of pesticides and herbicides on public lands.

Contact the Bureau of Land Management, Department of the Interior, 18th and C Streets, Washington, DC 20240.

Resource Conservation and Recovery Act (Hazardous Waste)

The Resource Conservation and Recovery Act (RCRA, 40 CFR 248-281) requires EPA to establish standards that are necessary to protect human health and the environment from hazardous and toxic waste. Permits are required for owners and operators of facilities for the treatment, storage, or disposal of hazardous waste. States with approved programs are given primary responsibility.

RCRA sets guidelines for the development of solid waste management plans, prohibits open dumping (while requiring the closure or upgrading of existing dumps), and regulates underground storage tanks. The act also encourages public participation in the regulatory process. Regulations are enforced through civil penalties, civil actions for injunctive relief, and judicial penalties. Any person may bring a citizen suit against the alleged violators or the administrator of a facility that produces waste presenting an imminent or substantial danger to public health or the environment.

EPA has the authority to undertake any appropriate remedial action to control hazardous waste under the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, 40 CFR 300). CERCLA is financed through taxes imposed on manufacturers of certain chemicals and petroleum products. Any person affected by a release of a hazardous substance may petition EPA to conduct a preliminary assessment of the hazard. Contact the Office of Solid Waste and Emergency Response. Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460.

Aviation Safety and Noise Abatement Act

The Aviation Safety and Noise Abatement Act of 1979 as amended authorizes the Federal Aviation Administration (FAA) establish a methodology for the preparation of noise exposure maps and noise compatibility programs for airports. FAA helps to identify land uses that are compatible with different levels of exposure to noise based on professional planning criteria and procedures.

A public airport may submit a noise exposure map and, subsequently, a compatibility program to FAA's regional operations for a five-year period and their impact on compatibility and land uses. The compatibility program

proposes measures to reduce or eliminate present and future incompatible land uses. The program includes a description of alternative measures to be considered (e.g., acquisition of land, construction of barriers, and methods of flight operation).

Individuals who acquire property after adequate public notice of the noise exposure map cannot sue the airport operator for damages unless they can prove that there have been significant changes in airport operations from what was forecast on the map. The planning process for both the map and the noise compatibility program must provide opportunity for the active participation of public agencies, aeronautical users, and the general public. Contact the Federal Aviation Administration, Department of Transportation, 800 Independence Ave., S.W., Washington, DC 20591.

APPENDIX D

Common Acronyms

aca:	(water stored in) acre feet per year
AFC:	Application for Certification
APCD:	Air Pollution Control District
APCO:	Air Pollution Control Officer
AQMD:	Air Quality Management Board
BACT:	Best Available Control Technology (relating to Air Pollution)
CEQA:	California Environmental Quality Act
CIWMB:	California Integrated Waste Management Board
DOI:	United States Department of the Interior
EDD:	Extractive Development Division of the Department of State Lands
EIR:	Environmental Impact Report.
EIS:	Environmental Impact Statement.
EPA:	United States Environmental Protection Agency
FERC:	Federal Energy Regulatory Commission
HUD:	United States Department of Housing and Urban Development
LAFCO:	Local Agency Formation Commission
LCP:	Local Coastal Program
LEA:	Local Enforcement Agency
NEPA:	National Environmental Policy Act
NOI:	Notice of Intention
NOP:	Notice of Preparation
OILSR:	Office of Interstate Land Sales Registration
OPA:	Office of Permit Assistance
PEA:	Proponent's Environmental Assessment
RACT:	Reasonably Available Control Technology
RWQCB:	Regional Water Quality Control Board
SCA:	Substantially Complete Application
SCH:	State Clearinghouse
THP:	Timber Harvesting Plan
TPZ:	Timberland Production Zone
USGS:	United States Geological Survey

APPENDIX E

Common Definitions

Ambient
An encompassing atmosphere or body of water.

Applicant
"Applicant" means a person or entity who proposes to carry out a project which needs a lease, permit, license, certificate, or other entitlement for use or financial assistance from one or more public agencies when that person or entity applies for governmental approval or assistance.

Approval
(a) "Approval" means the decision by a public agency which commits the agency to a definite course of action in regard to a project intended to be carried out by any applicant. The exact date of approval of any project is a matter determined by each public agency according to its rules, regulations, and ordinances. Legislative action in regard to a project often constitutes approval.

(b) With private projects, approval occurs upon the earliest commitment to issue or the issuance by the public agency of a discretionary contract, grant, subsidy, loan, or financial assistance, lease, permit, license, certificate, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of a project.

CEQA
"CEQA" means the California Environmental Quality Act, California Public Resources Code Section 21000 et seq.

Categorical Exemption
"Categorical exemption" means an exemption from CEQA for a class of project based on a finding by the Secretary for Resources that the class of projects does not have a significant effect on the environment.

Decision-Making Body
"Decision-making body" means any person or group of people within a public agency permitted by law to approve or disapprove the project at issue.

Development
"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density of intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511 of the Public Resources Code).

"Development" does not mean a "change of organization," as defined in Section 56028, a "change of organization of a city," as defined in Section 35027, a "reorganization," as defined in Section 56068, or a "municipal reorganization", as defined in Section 56068, or a "municipal reorganization," as defined in Section 35042. (Government Code Section 65927.)

Development Project

"Development project" means any project undertaken for the purpose of development. "Development project" includes a project involving the issuance of a permit for construction or reconstruction but not a permit to operate. "Development project" does not include any ministerial projects proposed to be carried out or approved by public agencies. (Government Code Section 65928.)

Discretionary

"Discretionary" means an action which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.

Environment

"Environment" means the physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The area involved shall be the area in which significant effects would occur either directly or indirectly as a result of the project. The "Environment" includes both natural and man-made conditions.

Environmental Documents

"Environmental documents" means Initial Studies, Negative Declarations, draft and final EIRs, documents prepared as substitutes for EIRs and Negative Declarations under a program certified pursuant to Public Resources Code Section 21080.5, and documents prepared under NEPA and used by a state or local agency in the place of Initial Study, Negative Declaration, or an EIR.

EIR - Environmental Impact Report

"EIR" or "Environmental Impact Report" means a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects. The term "EIR" may mean either a draft or a final EIR depending on the context.

(a) Draft EIR means an EIR containing the information specified in Sections 15122 through 15131 in *CEQA Guidelines.*
(b) Final EIR means an EIR containing the information contained in the draft EIR, comments either verbatim or in summary received in the review process, a list of persons commenting, and the response of the Lead Agency to the comments received.

EIS - Environmental Impact Statement

"EIS" or "Environmental Impact Statement" means an impact document prepared pursuant to the National Environmental Policy Act (NEPA). NEPA uses the term EIS in the place of the term EIR which is used in CEQA.

Initial Study

"Initial Study" means a preliminary analysis prepared by the Lead Agency to determine whether an EIR or a Negative Declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR.

Jurisdiction by Law

(a) "Jurisdiction by law" means the authority of any public agency:
    (1) To grant a permit or other entitlement for use;
    (2) To provide funding for the project in question; or
    (3) To exercise authority over resources which may be affected by the project.
(b) A city or county will have jurisdiction by law with respect to a project if it is the city or county having primary jurisdiction over the area is involved, i. e., if it is:
    (1) The site of the project;
    (2) The area in which the major environmental effects will occur; and/or,
    (3) The area in which reside those citizens most directly impacted by any such environmental effects.
(c) Where an agency having jurisdiction by law must exercise discretionary authority over a project in order for the project to proceed, it is also a Responsible Agency.

Lead Agency
"Lead Agency" means the public agency which has the principle responsibility for carrying out or approving a project. The Lead Agency will decide whether an EIR or Negative Declaration will be required for the project and will cause the document to be prepared.

Local Agency
"Local agency" means any public agency other than a state agency, board, or commission. Local agency includes but is not limited to cities, counties, charter cities and counties, districts, school districts, special districts, redevelopment agencies, local agency formation commissions, and any board, commission or organizational subdivision of a local agency when so designated by order or resolution of the governing legislative body of the local agency.

Ministerial
"Ministerial" describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented and uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out.

Mitigation
Mitigation describes efforts made to deal with undesirable results of a proposed project, either through minimizing or alleviating those effects. Mitigation includes:

(a) Avoiding the impact altogether by not taking certain action or parts of an action;
(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
(c) Rectifying the impact by repairing, rehabilitation, or restoring the impacted environment;
(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or,
(e) Compensating for the impact by replacing or providing substitute resources or environments.

Negative Declaration
"Negative Declaration" means a written statement by the Lead Agency briefly describing the reasons that a proposed project, not exempt from CEQA, will not have a significant effect on the environment and, therefore, does not require the preparation of an EIR.

Non-Attainment
Refers to the deficiency of an air quality "area" or "basin" to achieve preset levels of air quality over a period of time.

Notice of Completion
"Notice of Completion" means a brief notice filed with SCH by a Lead Agency as soon as it has completed a draft EIR and is prepared to send out copies for review.

Notice of Determination
"Notice of Determination" means a brief notice to be filed by a public agency after it approves or determines to carry out a project which is subject to the requirements of CEQA.

Notice of Exemption
"Notice of Exemption" means a brief notice which may be filed by a public agency after it has decided to carry out or approve a project and has determined that the project is exempt from CEQA as being ministerial, categorically exempt, an emergency, or subject to another exemption from CEQA. Such a notice may also be filed by an applicant where such a determination has been made by a public agency which must approve the project.

Notice of Preparation
"Notice of Preparation" means a brief notice sent by a Lead Agency to notify the Responsible Agencies, Trustee Agencies, and involved federal agencies that the Lead Agency plans to prepare an EIR for the project. The purpose of the notice is to solicit guidance from those agencies as to the scope and the content of the environmental information to be included in the EIR.

Private Project

A "private project" means a project which will be carried out by a person other than a governmental agency, but the project will need a discretionary approval from one or more governmental agencies for:

(a) A contract or financial assistance; or,
(b) A lease, permit, license, certificate, or other entitlement for use.

Project

A "project" means the whole of an action which has a potential for resulting in a physical change in the environment, directly or ultimately, and that is any of the following:

(a) An activity directly undertaken by any public agency including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.
(b) An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
(c) An activity involving the issuance to a person of a lease, permit, license, certificate, or other forms of assistance from one or more public agencies. (Government Code Section 65931.)

A project does not include:

(a) Anything specifically exempted by state law;
(b) Proposals for legislation to be enacted by State Legislature;
(c) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, emergency repairs to public service facilities, general policy and procedure making (except as they are applied to specific instances covered above);
(d) The submittal or proposal to a vote of the People of the State or of a particular community; or,
(e) The closing of a public school and the transfer of students to another school where the only physical changes involved are categorically exempt.

Public Agency

"Public Agency" includes any state agency, board, or commission and any local or regional agency, as defined in the CEQA Guidelines. It does not include the courts of the state. This term does not include agencies of the federal government.

Responsible Agency

"Responsible Agency" means a public agency which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purpose of CEQA, the term "Responsible Agency" includes all public agencies other than the Lead Agency which have discretionary approval power over the project.

Significant Effect on the Environment

"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

State Agency

"State Agency" means a governmental agency in the executive branch of the State Government or an entity which operates under the direction and control of an agency in the executive branch of the State Government.

APPENDIX F

Telephone Numbers Of State And Federal Resources

State Resources

California Trade and Commerce Agency	**(916) 322-1394**
California Office of Permit Assistance	**(916) 322-4245**
California Office of Small Business	**(916) 322-5790**
Office of Economic Development	**(916) 322-3520**
California Film Commission	**(213) 736-2465**
California Environmental Protection Agency	**(916) 445-3846**
California Air Resources Board	**(916) 322-2990**
Integrated Waste Management Board	**(916) 255-2200**
Department of Pesticide Regulation	**(916) 445-4300**
Department of Toxic Substance Control	**(916) 324-1826**
State Water Resources Control Board	**(916) 657-2390**
Office of Environmental Health Hazard Assessment	**(916) 324-7572**
Resources Agency	**(916) 653-3006**
Department of Fish and Game	**(916) 653-7664**
California Coastal Commission	**(415) 904-5200**
Department of Water Resources	**(916) 653-5791**
Business, Transportation, and Housing Agency	**(916) 323-5400**
Department of Transportation (Caltrans)	**(916) 654-2852**
Department of Housing and Community Development	**(916) 445-4782**
State Library, Sacramento	**(916) 654-0261**

Federal Resources

Environmental Library	**(415) 744-1500**
Federal Register	**(202) 523-5240**
Government Information Exchange	**(703) 528-1000**
U.S. EPA	**(415) 744-1500**
U.S. Army Corps of Engineers	**(916) 557-5100**

APPENDIX G

Internet Addresses of State and Federal Resources

State Resources

California Trade And Commerce Agency	**http://www.ca.gov/commerce**
Office of Permit Assistance	**http://www.ca.gov/commerce/permits/main/html**
Califronia Trade Commission	**http://www.ca.gov/commerce/cf_home.ctml**
California Environmental Protection Agency	**http://www.cahwnet.gov/epa**
California Air Resources Board	**http://arb.ca.gov**
Department of Pesticide Regulatio	**http://www.cdpr.ca.gov**
Department of Toxic Substance Control	**http://www.cahwnet.gov/epa/dtsc.htm**
Integrated Waste Management Board	**http://www.ciwmb.ca.gov**
Office of Environmental Health Hazard Assessment	**http://www/cahwnet.gov/epa/oehha.htm**
Water Resources Control Board	**http://www.swrcb.ca.gov/pub**
Business, Transportation, and Housing Agency	
Department of Transportation	**http://www.dot.ca.gov**
Resources Agency	**http://agency.resource.ca.gov/**
State Water Resources Control Board	**http://www.swrcb.ca.gov/**
Department of Fish and Game	**http://spock.dfg.ca.gov/**
Department of Water Resources	**http://wwwdwr.water.ca.gov/**
California Coastal Commission	**http://agency.resource.ca.gov/coastalcomm/web/**
California State Senate (legislative information)	**http://www.sen.ca.gov/**
State Library, Sacramento	**http://www.library.ca.gov**

Federal Resources

Environmental Library	**http://envirolink.org/envirowebs.html**
Federal Register	**http://www.epa.gov/epahome/rules.html**
Government Information Exchanges	**http://www.info.gov/**
U.S. EPA	**http://www.epa.gov/epahome/index.html**
U.S. Army Corps of Engineers	**http://www.wetland.usace.mil/**

APPENDIX H

Cal/EPA Permit Assistance Centers

To provide immediate coordination and assistance--Cal/EPA established "One-Stop" Permit Assistance Centers throughout the State. Combined with local and regional permitting agencies, the Centers provide a single point of contact for projects requiring multiple permits or regulatory assistance. These Centers have been established in several California locations to guide businesses through the complex regulatory systems, both state and local, and to eliminate processing barriers.

An individual may contact a Center for permit identification issuance, regulatory compliance assistance, on-site permit expertise from State and local agencies, "roundtable" meetings, identification of recurring procedural and regulatory roadblocks, and consultation services.

PERMIT ASSISTANCE CENTERS
1-800-GOV-1-STOP

Business Revitalization Center
Jeff Walden, Acting Director
Baldwin Hills Crenshaw Plaza, Rm. 246
3650 Martin Luther King, Jr., Blvd.
Los Angeles, CA 90008
213-290-7100
213-290-7190 FAX
(Opened June 7, 1992)

Contra Costa Regional Permit Assistance Center
Roberta James, Director
651 Pine Street, 4th Floor
Martinez, CA 94553
510-229-5950
510-229-5952 FAX
(Opened February 15, 1996)

Fresno Area Permit Assistance Center
Pete Ruggerello, Director
2600 Fresno Street
Fresno, CA 93721
209-498-1343
209-498-1020 FAX
(Opened June 17, 1994)

Continued on next page.

Inland Empire Permit Assistance Center:
Florence Gharibian, Director

Ontario Office
3281 East Guasti Road
Suite 275
Ontario, CA 91764
909-390-8232
909-390-8236 FAX
(Opened March 17, 1994)

Riverside Office
4080 Lemon Street, Second Floor
Riverside, CA 92501
909-275-1883
909-275-1806 FAX
(Opened March 29, 1994)

Kern County Permit Assistance Center
Pete Ruggerello, Director
2700 M Street, Room 125
Bakersfield, CA 93301
805-862-5175
805-862-5176 FAX
(Opened March 8, 1996)

Orange County Permit Assistance Center
Danian Hopp, Director
300 North Flower Street, First floor
Santa Ana, CA 92705
714-834-2840
714-834-2764 FAX
(Opened December 13, 1993)

San Diego Regional Permit Assistance Center
Rosalind Dimenstein, Director
San Diego City Operations Building
1222 First Avenue, Fourth Floor
San Diego, CA 92101
619-236-5938
619-236-7200 FAX
(Opened March 10, 1994)

San Fernando Valley Permit Assistance Center
Gene Kocis, Director Van Nuys Government Center
14437 Erwin Street Mall
Van Nuys, CA 91401
818-756-7572
818-782-4621 FAX
(Opened January 27, 1994)

Santa Clara Valley Permit Assistance Center
Paul Giardina, Director
East Wing, Lower Level
70 West Hedding
San Jose, CA 95110-1705
408-277-1477
408-277-1484 FAX
(Opened February 24, 1995)

APPENDIX I

DISTRICT BACT and OFFSET THRESHOLDS

California Air Resources Board

Summary of District New Source Review (NSR) Requirements for Best Available Control Technology (BACT),
Lowest Achievable Emission Rate (LEAR), and Offsets (lbs/day, unless otherwise specified)
(Thresholds revised March 1996)

"Best Available Control Technology" means an emission limitation that will achieve the lowest achievable emission rate for the source to which it is applied. The "Lowest Achievable Emission Rate" must not be construed to authorize the permitting of a proposed new source or a modified source that will emit any pollutant in excess of the amount allowable under the applicable new source standards of performance. Offset means the use of an emission decrease to compensate for an emission increase of an affected pollutant from a new or modified source. This is a summary of District BACT/Offset Requirements.*

	BACT (LAER) Thresholds								*Offset Thresholds*						
District	**HC**	**NOx**	**SOx**	**PM**	**PM10**	**CO**	**N/C (1)**		**HC**	**NOx**	**SOx**	**PM**	**PM10**	**CO**	**N A (2)**
Amador	1000 or 100 TPY	1000 or 100 TPY	1000 or 100 TPY	1000 or 100 TPY		(3)	Yes		1000 or 100 TPY	1000 or 100 TPY	1000 or 100 TPY	1000 or 100 TPY		(3)	Yes
BAAQMD	An increase of 10.0 lbs per highest day or a cumulative increase of 10.0 lbs per highest day since April 5, 1991						Yes		For HC & NOx, a source which emits or has the potential to emit 50 TPY, or a cumulative increase of 1 TPY for SOx & PM10 since April 5,1991					25 TPY (3)	No
Butte	50	50	80		80	500	Yes		25 TPY	25 TPY	25 TPY		25 TPY	25 (3)	Yes
Calaveras	1000 or 100 TPY	1000 or 100 TPY	1000 or 100 TPY	1000 or 100 TPY		(3)	Yes		1000 or 100 TPY	1000 or 100 TPY	1000 or 100 TPY	1000 or 100 TPY		(3)	Yes
Colusa	25	25	80		80	500	Yes		25 TPY	25 TPY	25 TPY		25 TPY	25 TPY	Yes
El Dorado (4)	10	10	80		80	550	Yes		7500 PPQ	7500 PPQ	1.25K PPQ		7500 PPQ	7500 PPQ	Yes
Feather River	25	25	80		80	500	Yes		25 TPY	25 TPY	25 TPY		25 TPY		Yes
Glenn	25	25	80		80	500	Yes		25 TPY	25 TPY	25 TPY		25 TPY		Yes
Great Basin	250	250	250	250		(3)	No		250	250	250	250 (3)		(3)	No
Imperial	25	25	25		25	550	No		137	137	137		137	137	No
Kern SE Desert	Any	Any	Any		Any	550	No		25 TPY	25 TPY	150		80	550 (3)	Yes

District	HC	NOx	SOx	PM	PM10	CO	N/C (1)		HC	NOx	SOx	PM	PM10	CO	N A (2)
Lake	150 or 20 PPH	150 or 20 PPH	150 or 20 PPH	150 or 20 PPH		1500 or 150 PPH	No								
Class I Area	150	150	150	150		550	Yes		150	150	150	150		150 (3)	No
Other Areas	150	150	150	150		550	Yes		250	250	250	150		550 (3)	
Mariposa	1000 or 100 TPY	1000 or 100 TPY	1000 or 100 TPY	1000 or 100 TPY		(3)	Yes		1000 or 100 TPY	1000 or 100 TPY	1000 or 100 TPY	1000 or 100 TPY		(3)	Yes
Mendocino	220	220	220	135	80	550	Yes								
Modoc	250	250	250	250		2500	No		250	250	250 (3)	250 (3)		2500 (3)	Yes
Mojave Desert	25	25	25	25	25	25	yes		25 TPY	25 TPY	25 TPY		15 TPY	100 (3)	Yes
Monterey															
Class A	25	25	150	150	82	550	Yes		137	137	150	150	82	150 (3)	No
Other Areas	25	25	150	150	82	550	Yes		137	137	150	150	82	550 (3)	
North Coast	40 TPY	40 TPY	40 TPY	25 TPY		100 TPY	Yes								
N. Sierra	1000 or 100 TPY	1000 or 100 TPY	1000 or 100 TPY	1000 or 100 TPY		(3)	Yes		1000 or 100 TPY	1000 or 100 TPY	1000 or 100 TPY	1000 or 100 TPY		(3)	Yes
Placer (4)	10	10	80		80	550	Yes		7500 PPQ	7500 PPQ	12.5K PPQ		7500 PPQ	7500 PPQ	Yes
Sacramento Metro AQMD	Any	Any	Any		Any	550	Yes		7500 PPQ	7500 PPQ	1.765K PPQ		7500 PPQ	4.95K PPQ (3)	No
San Diego	10	10	10		10	10	Yes		15 TPY	15 TPY	15 TPY		15 TPY	15 (3)	Yes
LAER -new	50 TPY	50 TPY	50 TPY	50 TPY		100 TPY	No		50 TPY	50 TPY	50 TPY	50 TPY		100 TPY	
LAER-mod.	40 TPY	40 TPY	40 TPY	25 TPY		100 TPY	No		40 TPY	40 TPY	40 TPY	25 TPY		100 TPY	
San Joaquin Valley Unified	2	2	2		2	2	Yes		10 TPY	10 TPY	150		80	15 TPY	Yes
San Luis Obispo	25	25	25		25	250	No		25TPY	25 TPY	25 TPY		25 TPY	25 TPY	Yes

District	**HC**	**NOx**	**SOx**	**PM**	**PM10**	**CO**	**N/C (1)**		**HC**	**NOx**	**SOx**	**PM**	**PM10**	**CO**	**N A (2)**
Santa Barbara Non Attain.	2.5 PPH	2.5 PPH	2.5 PPH		2.5 PPH	20 PPH or 150	Yes		10 PPH 240 25 TPY	10 PPH 240 25 tpy	10 PPH 240 25 TPY		80 PPH 15 tpy	100 TPY (3)	Yes
Attain.	5 PPH	5 PPH	5 PPH	5 PPH	3.3 PPH, 80 or 15 TPY	50 PPH or 550	Yes		10 TPY	10 TPY	10 TPY	10 PPH	10 PPH		
Shasta	25	25	80		80	500	Yes		25 TPY	25 TPY	25 TPY		25 TPY	25 TPY (3)	
Siskiyou	250	250	250	250		2500	No		250	250	250 (3)	250 (3)		2500 (3)	Yes
South Coast AQMD	Any	Any	Any		Any	Any	No		4 TPY	4 TPY	4 TPY		4 TPY	29 TPY (3)	Yes
Tehama	25	25	80		80	500	Yes		25 TPY	25 TPY	25 TPY		25 TPY	25 TPY (3)	No
Tuolumne	1000 or 100 TPY	1000 or 100 TPY	1000 or 100 TPY	1000 or 100 TPY		(3)	Yes		1000 or 100 TPY	1000 or 100 TPY	1000 or 100 TPY	1000 or 100 TPY			Yes
Ventura	Any	Any	Any		Any	30 TPY	Yes		5 TPY	5 TPY	15 TPY		15 TPY		No
Yolo/Solano	10	10	10		10	550	No		82	82	82		82	550	Yes

* For specific requirements, consult District NSR Rules

(1) N/C: Includes BACT levels for Non Criteria Pollutants in addition to Criteria Pollutants. (Non-Criteria are those pollutants for which EPA has not established an AAQS (for example; asbestos, mercury, and vinyl chloride). Criteria are those pollutants for which an AAQS is established.)
(2) Offsets required for Nonattainment pollutants only.
(3) Not required if modeling shows no violation of national AAQS.
(4) Tahoe Regional Planning Agency (TRPA) threshold levels for BACT and Offsets, as the most stringent, govern the Lake Tahoe Basin area.

PPH: Pounds Per Hour
TPY: Tons Per Year
PPQ: Pounds Per Quarter

Lake Tahoe Basin
Regional Planning Agency (5)

Table I

If, with the application of BACT, the projected emissions from new or modified stationary sources for the peak 24 hour period exceed any of the limits specified in Table 1, TRPA shall prepare an Environmental Impact Statement (EIS).

HC	NOx	SO_2	PM10	CO
17.6	6.6	6.6	4.4	22
or	or	or	or	or
8 kg	3 kg	3 kg	2 kg	10 kg

Table II

Any new or modified stationary source of air pollution that increases emissions for the peak 24 hour period which exceeds the levels specified in Table II, shall be prohibited.

HC	NOx	SO_2	PM10	CO
125.7	24.3	13.2	22	220.5
or	or	or	or	or
57 kg	11 kg	6 kg	10 kg	100 kg

Offsets

For new or modified stationary sources which would otherwise exceed the limits specified in Table II. TRPA may allow emission offsets as a condition of project approval to bring emissions within acceptable limits if TRPA finds that the proposed source, with offsets, does not exceed the limits specified in Table II. To accomplish an emissions offset, existing emissions shall be permanently retired to offset the unacceptable increase from the proposed source.